



# Journal of the House

State of Indiana

113th General Assembly

Second Regular Session

Twenty-first Meeting Day

Monday Afternoon

February 16, 2004

The House convened at 2:00 p.m. with the Speaker in the Chair.

The invocation was offered by Minister Bob Walters, Executive Director of Metro Ministries of the United Methodist Church, Plainfield, the guest of Representative Matthew D. Whetstone.

The Pledge of Allegiance to the Flag was led by Representative Whetstone.

The Speaker ordered the roll of the House to be called:

|               |                |
|---------------|----------------|
| T. Adams      | Kromkowski ... |
| Aguilera      | Kruse          |
| Alderman      | Kuzman         |
| Austin        | LaPlante       |
| Avery         | L. Lawson      |
| Ayres         | Lehe           |
| Bardon        | Leonard        |
| Becker        | Liggett        |
| Behning       | J. Lutz        |
| Bischoff      | Lytle          |
| Borror        | Mahern         |
| Bosma         | Mangus         |
| Bottorff      | Mays           |
| C. Brown      | McClain        |
| T. Brown      | Messer         |
| Buck          | Moses          |
| Budak ...     | Murphy         |
| Buell ...     | Neese          |
| Burton        | Noe            |
| Cheney        | Orentlicher    |
| Cherry        | Oxley          |
| Chowning      | Pelath         |
| Cochran       | Pflum ...      |
| Crawford      | Pierce         |
| Crooks        | Pond           |
| Day           | Porter         |
| Denbo         | Reske          |
| Dickinson ... | Richardson     |
| Dobis         | Ripley         |
| Duncan        | Robertson      |
| Dvorak        | Ruppel         |
| Espich        | Saunders       |
| Foley         | Scholer        |
| Frenz         | V. Smith       |
| Friend        | Stevenson      |
| Frizzell      | Stilwell       |
| Fry           | Stutzman       |
| GiaQuinta     | Summers        |
| Goodin        | Thomas         |
| Grubb         | Thompson       |
| Gutwein       | Torr           |
| Harris        | Turner         |
| Hasler        | Ulmer          |
| Heim          | Van Haaften    |
| Herrell       | Welch          |
| Hinkle        | Whetstone      |
| Hoffman       | Wolkins        |
| Kersey        | D. Young       |
| Klinker       | Yount          |
| Koch          | Mr. Speaker    |

Roll Call 202: 95 present; 5 excused. The Speaker announced a quorum in attendance. [NOTE: ... indicates those who were excused.]

## RESOLUTIONS ON FIRST READING

### House Concurrent Resolution 28

Representatives Espich and D. Young introduced House Concurrent Resolution 28:

A CONCURRENT RESOLUTION encouraging the Indiana Department of Natural Resources to allocate the funds to build a state park in Region 8 at the site of La Petite Prairie located in Blackford County

*Whereas, Knowing that the proud State of Indiana derived its very name from the Indiana Territories and a substantial amount of our history is credited to our Indian heritage;*

*Whereas, The United States government did grant to Miami Indian Chief Francois Godfroy, by the treaty of St. Mary's, Ohio on October 6, 1818, a place along the Salamonie River called the LaPetite Prairie, six sections of land (3,840 acres);*

*Whereas, At the same time, the government agreed to build Chief Godfroy a two story brick home, which is still standing and in good condition, and LaPetite Prairie still remains near its original condition with timber and grasses;*

*Whereas, Chief Larry Godfroy, grandson of Chief Francois Godfroy, did give to the city of Montpelier a 25 ft. Indian statue to be placed at the entrance of the park should it come about, and*

*Whereas, The State of Indiana has funded two feasibility studies concerning the park, and in the Indiana State Comprehensive Outdoor Recreational Plan (SCORP) 200 did realize and show a definite need for a park in Region 8, and this area is fast becoming farm acreage due to the tree elimination: Therefore,*

*Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:*

SECTION 1. That the Indiana House of Representatives pays tribute to the Indiana Indians and fulfill the need for a park in Region 8 and support the LaPetite Prairie located in Blackford County, Indiana to be started and completed as soon as the Department of Natural Resources can allocate the funds for such.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Representatives J. Espich and D. Young.

The resolution was read a first time and referred to the Committee on Rules and Legislative Procedures.

The Speaker yielded the gavel to the Deputy Speaker Pro Tempore, Representative Harris.

### House Concurrent Resolution 29

Representative Goodin introduced House Concurrent Resolution 29:

A CONCURRENT RESOLUTION honoring Charles Metz.

*Whereas, Charles Metz is a Hoosier hero;*

*Whereas, Mr. Metz was the first person to arrive at the scene of an automobile accident that trapped three people in a vehicle overturned in approximately five feet of water;*

*Whereas, Mr. Metz heard the screams for help coming from a woman trapped in the vehicle;*

*Whereas, Without concern for his own safety, Mr. Metz jumped into the icy water;*

*Whereas, Once in the water, Mr. Metz was able to open the car door, free Lisa Banich, and help her to safety;*

*Whereas, Mr. Metz's quick actions are the reason that Lisa Banich is alive today;*

*Whereas, Had Mr. Metz been unable to open the car door and free Lisa Banich, medical personnel have stated that she would have perished in the crash; and*

*Whereas, Charles Metz is truly a hero whose concern for others surpasses his concern for himself: Therefore,*

*Be it resolved by the House of Representatives  
of the General Assembly of the State of Indiana,  
the Senate concurring:*

SECTION 1. That the Indiana General Assembly recognizes Charles Metz for his act of bravery and thanks him on behalf of the citizens of Indiana.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Charles Metz.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsors: Senators Lewis and Skillman.

### House Concurrent Resolution 30

Representative Goodin introduced House Concurrent Resolution 30:

A CONCURRENT RESOLUTION honoring Reserve Officer Greg Murphy.

*Whereas, Reserve Officer Greg Murphy is a Hoosier hero;*

*Whereas, Reserve Officer Greg Murphy responded to a crash on State Road 250 in Jackson County;*

*Whereas, When Reserve Officer Greg Murphy arrived on the scene, he found that a man had freed one of the three victims trapped in a car that had overturned in approximately five feet of frigid water;*

*Whereas, Reserve Officer Greg Murphy quickly entered the water in an attempt to free the remaining two victims;*

*Whereas, Reserve Officer Greg Murphy was able to cut the seat belt off one of the victims but was unable to free the victim due to the icy conditions;*

*Whereas, Reserve Officer Greg Murphy did not think of his own safety when he entered the water to save the trapped victims;*

*Whereas, Reserve Officer Greg Murphy was concerned only with saving the lives of others; and*

*Whereas, Reserve Officer Greg Murphy is a hero whose concern for others surpasses his concern for his own well-being: Therefore,*

*Be it resolved by the House of Representatives  
of the General Assembly of the State of Indiana,  
the Senate concurring:*

SECTION 1. That the Indiana General Assembly recognizes Reserve Officer Greg Murphy for his act of bravery and thanks him on behalf of the citizens of the State of Indiana.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Reserve Officer Greg Murphy.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsors: Senators Lewis and Skillman.

### House Concurrent Resolution 31

Representatives Pflum, Liggett, Saunders, and Hoffman introduced House Concurrent Resolution 31:

A CONCURRENT RESOLUTION honoring Richard L. Edwards on the occasion of his retirement.

*Whereas, Richard L. Edwards will be retiring as the chief executive officer of Dunn Mental Health Center, Inc.;*

*Whereas, Dunn Mental Health Center, Inc., is a privately incorporated not-for-profit community mental health center that serves a five-county area in East Central Indiana;*

*Whereas, During his tenure as chief executive officer, Richard L. Edwards worked hard to ensure that Dunn Mental Health Center lived up to its mission "to provide affordable, effective behavioral health care within an accessible system of services" and to become one of the foremost leaders in Indiana in the field of behavioral health care;*

*Whereas, Richard L. Edwards earned an A.S. in education from Vincennes University, a B.S. in government and public administration from Indiana University, and a M.S. in counseling from Butler University;*

*Whereas, Richard L. Edwards is currently chief executive officer of Dunn Mental Health Center, Inc. and previously served as associate director of program services and director of the outpatient division;*

*Whereas, Before coming to Dunn Mental Health Center, Inc., Richard L. Edwards served as the coordinator for the Comprehensive Community Mental Health Center, a psychiatric social worker, the counseling director at Vincennes University, and as a training officer in the United States Air Force;*

*Whereas, In addition to his duties at Dunn Mental Health Center, Inc., Richard L. Edwards has been active in his community serving as board president of the Economic Opportunity Services in Vincennes; board member of the Townsend Community Center in Richmond; board member of Wayne County United Way in Richmond; district representative of the Indiana Economic Development Congress; founding member of the All-American Cities Task Force in Richmond; founding board member of the Workers Opportunities of Wayne, Inc., in Richmond; board member of the Greater Richmond Progress Committee; board member of Wayne County Community Corrections in Richmond; board member of Richmond Community Corrections; founding member of Hope House in Richmond; and founding member of Community In Schools in Richmond; and*

*Whereas, Richard L. Edwards has dedicated his life to helping others, and through his efforts Indiana has become a better place: Therefore,*

*Be it resolved by the House of Representatives  
of the General Assembly of the State of Indiana,  
the Senate concurring:*

SECTION 1. That the Indiana General Assembly congratulates Richard L. Edwards on the occasion of his retirement and wishes him happiness during the coming years. The members of the Indiana General Assembly also express their gratitude for the countless hours Richard L. Edwards has dedicated to the betterment of his community and his state.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Richard L. Edwards and his family.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsors: Senators Jackman and Paul.

### House Concurrent Resolution 32

Representatives Hasler, GiaQuinta, Mahern, and Buell introduced House Concurrent Resolution 32:

A CONCURRENT RESOLUTION designating July 30 as USS Indianapolis Day.

*Whereas, The USS Indianapolis was commissioned at the Philadelphia Navy Yard November 15, 1932, and, on July 30, 1945, while sailing from Guam to Leyte Gulf, was torpedoed by a Japanese submarine;*

*Whereas, When torpedoed, the USS Indianapolis was returning from its assignment to deliver components for the world's second and third atomic bombs to the island of Tinian;*

*Whereas, The USS Indianapolis capsized and sank in 12 minutes;*

*Whereas, Of the original 1,196 men on board, approximately 300 went down with the ship;*

*Whereas, The remaining sailors were left with very few lifeboats and struggled to survive in shark infested waters;*

*Whereas, On August 2, 1945, while flying a routine antisubmarine patrol in the area, Lieutenant Wilbur C. Gwinn spotted the survivors;*

*Whereas, By the end of the search on August 8, 1945, only 316 survivors were found;*

*Whereas, In a highly controversial proceeding, Captain Charles McVay III, the captain of the USS Indianapolis and one of the survivors, was court-martialed and convicted of "hazarding his ship by failing to zigzag", making him the only captain to be court-martialed for losing a ship in combat;*

*Whereas, In October 2000, President Clinton signed legislation exonerating Captain McVay, and the Navy conceded that Captain McVay was innocent of any wrongdoing;*

*Whereas, The sinking of the USS Indianapolis remains the worst U.S. Naval disaster in history and the worst loss of life from shark attack in naval history; and*

*Whereas, Keeping the memory of the USS Indianapolis and her valiant crew alive is of the utmost importance: Therefore,*

*Be it resolved by the House of Representatives  
of the General Assembly of the State of Indiana,  
the Senate concurring:*

SECTION 1. That the Indiana General Assembly declares July 30 as USS Indianapolis Day to commemorate the date of the sinking of the USS Indianapolis and in memory of the brave sailors who lost their lives.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Paul J. Murphy, chairman of the board of the USS Indianapolis Survivors Organization.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Merritt.

### **House Concurrent Resolution 33**

Representatives Hasler, Stilwell, Welch, and Pierce introduced House Concurrent Resolution 33:

A CONCURRENT RESOLUTION memorializing Representative Frank McCloskey and urging the department of transportation to rename State Road 45 from Beanblossom to Bloomington and from Bloomington to Scotland after Representative Frank McCloskey.

*Whereas, Representative Frank McCloskey died November 2, 2003, at the age of 64 in Bloomington, Indiana;*

*Whereas, The death of this respected and beloved public servant marks the end of both a great political career and a life well-lived;*

*Whereas, This great career and life should be remembered and honored, and what is more fitting than to rename the road Representative McCloskey traveled countless times while serving the people of his district;*

*Whereas, State Road 45 is also the road that leads to the Crane Naval Surface Warfare Center, one of Southern Indiana's largest employers and an organization Representative McCloskey fought to preserve while he served as a member of the House Armed Services Committee;*

*Whereas, Representative McCloskey was born in Philadelphia in 1939, attended high school in Norristown, Pennsylvania, and entered the Air Force after graduation, serving until 1961;*

*Whereas, After being discharged from the Air Force, Representative McCloskey worked as a reporter for The Indianapolis Star, the Bloomington Herald-Telephone, and the City News Bureau in Chicago before getting his bachelor's degree from Indiana University-Bloomington in 1968;*

*Whereas, While a law student at Indiana University, Representative McCloskey was nominated to run for mayor of Bloomington, a position he held for ten years;*

*Whereas, Representative McCloskey, who began his political career with a victory over a former mayor in the primary and an incumbent mayor in the election in the fall, contributed greatly to the modernization of Bloomington, to the promotion of openness in government, and to greater interest in community participation;*

*Whereas, Representative Frank McCloskey served in the House of Representatives from 1983 until 1995, representing the people of southwestern Indiana's 8th District;*

*Whereas, As a member of the House of Representatives, Frank McCloskey served on the Armed Services Committee and the Foreign Affairs Committee and was chairman of the Post Office Committee;*

*Whereas, Representative McCloskey was among the first lawmakers to urge military action against Serbian positions in Bosnia in the early 1990s;*

*Whereas, After leaving Congress, Representative McCloskey served as chairman of the Monroe County Democrat Party from 1999 to the summer of 2003;*

*Whereas, Even after leaving the House of Representatives, Representative McCloskey continued to work with the Bosnian people to improve their form of government and to institute democratic reforms;*

*Whereas, In 2002, Representative McCloskey was named director of Kosovo programs for the National Democratic Institute for International Affairs;*

*Whereas, Representative McCloskey used his position with the National Democratic Institute for International Affairs to teach the leaders of Kosovo how to govern democratically; and*

*Whereas, Frank McCloskey will always be remembered as a man who was committed to serving the people of his district faithfully and honorably: Therefore,*

*Be it resolved by the House of Representatives  
of the General Assembly of the State of Indiana,  
the Senate concurring:*

SECTION 1. That the Indiana General Assembly wishes to express its heartfelt sympathy to the family of Representative Frank McCloskey and to urge the commissioner of the Indiana department of transportation to rename State Road 45 from Beanblossom to Bloomington and from Bloomington to Scotland in honor of Representative Frank McCloskey. Congressman McCloskey will be remembered always as a great humanitarian and diplomat whose primary concern was the welfare of all mankind.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to the family of Representative Frank McCloskey—his wife Roberta and two adult children, Helen and Mark—and to the commissioner of the Indiana Department of Transportation.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Simpson.

### **House Concurrent Resolution 34**

Representatives Friend and Grubb introduced House Concurrent Resolution 34:

A CONCURRENT RESOLUTION to support the Indiana Beef and Dairy Industry.

*Whereas, There are more than 19,000 cattle operations/producers in the State of Indiana with more than 860,000 beef and dairy cows;*

*Whereas, There are 145,000 dairy cows that produce 2.6 billion pounds of milk in a year with a worth of \$320 million dollars;*

*Whereas, Indiana is one of the leading veal producing states, ranking third in the number of veal calves and adding \$49 million dollars annually to the state's economy;*

*Whereas, While the recent news of a single case of Bovine Spongiform Encephalopathy (BSE) in Washington state caused concern amongst the public, it must be noted that our nation's response was immediate, responsible and comprehensive in order to preserve the safety of our citizens;*

*Whereas, The United States has in place the proper procedures and thorough investigatory processes to ensure the nation's beef and milk supplies;*

*Whereas, In Indiana, those same procedures are in place in order to continue the highest level of quality from our beef and dairy producers; and*

*Whereas, Indiana should stand in support of its beef and dairy industry, the men and women who work each day to provide food for our families and an important economic contribution to our state: Therefore,*

*Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:*

SECTION 1. That the State of Indiana support its Beef and Dairy Industry and express its appreciation to those who take the extraordinary steps necessary to preserve its high quality and standards of safety.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to the Indiana Beef and Dairy Industry.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senators Jackman.

### House Resolution 25

Representative Borrer introduced House Resolution 25:

A HOUSE RESOLUTION to honor Philip P. Laux upon his 50th birthday.

*Whereas, Philip P. Laux, President and CEO of the Greater Fort Wayne Chamber of Commerce, turned a very, very old 50 years old on Friday, February 6, 2004;*

*Whereas, Phil is an exemplary example of leadership and activism to promote the North East Indiana region on behalf of the business community;*

*Whereas, As a former IBM executive, Phil has been trained well—too well, as he only wears dark suits and ties, even on weekends;*

*Whereas, On the bright side, turning 50 merely means that he is that much too young to be a card-carrying member of AARP; and*

*Whereas, As President and CEO of the Greater Fort Wayne Chamber of Commerce, Phil has guided the Chamber (even with poor eyesight and broken glasses), an organization that is a shining example for other Chambers to duplicate: Therefore,*

*Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:*

SECTION 1. That the Indiana House of Representatives would like to pay its respects to Phil Laux upon his 50th birthday, appreciates his work on behalf of the business community, and thanks him for his dedication to the economic growth of North East Indiana.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Philip P. Laux.

The resolution was read a first time and adopted by voice vote.

### House Resolution 26

Representative Kuzman introduced House Resolution 26:

A HOUSE RESOLUTION honoring Daylene Welty.

*Whereas, Daylene Welty was recently presented the 2003 Business Person of the Year award;*

*Whereas, Daylene Welty, owner of a downtown Lowell gift shop, was instrumental in the placement of the downtown area on the National Register of Historic Places;*

*Whereas, Daylene Welty, co-chairperson of the Lowell Main Street Association, initiated the paperwork for the designation to the National Register of Historic Places;*

*Whereas, Daylene Welty sees the placement of Lowell's Main Street on the National Register of Historic Places as another means*

*of instilling pride in the downtown area and encouraging the building owners to maintain their buildings to ensure they will remain as beautiful examples of the town's history for years to come; and*

*Whereas, Daylene Welty has worked long and hard to ensure that Main Street in Lowell, Indiana, would remain for future generations as a reminder of our state's historic past: Therefore,*

*Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:*

SECTION 1. That the Indiana House of Representatives wishes to express its gratitude to Daylene Welty for her devotion to her city and her state and to congratulate her on the occasion of her receipt of the 2003 Business Person of the Year award.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Daylene Welty and her family and Gerry Stout.

The resolution was read a first time and adopted by voice vote.

### House Resolution 27

Representatives Becker and Hasler introduced House Resolution 27:

A HOUSE RESOLUTION urging the establishment of an interim study committee to study the issues relating to the treatment of dogs at dog auctions and the issues relating to the sale of dogs and cats to be used as food for other dogs.

*Whereas, The treatment of dogs sold at auction has long been an issue with animal rights proponents;*

*Whereas, Proper steps should be taken to ensure that information is provided to determine what these animals will be used for and how they will be treated;*

*Whereas, It is also necessary to provide all information necessary to determine if healthy animals are being bought and sold for use as food for other animals; and*

*Whereas, The state of Indiana should ensure that all animals are treated humanely and should study the conditions under which they are sold: Therefore,*

*Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:*

SECTION 1. That the legislative council is urged to establish a committee to study the issues relating to the treatment of dogs at dog auctions and the issues relating to the sale of dogs and cats to be used as food for other dogs.

SECTION 2. That the committee, if established, shall operate under the direction of the legislative council and issue a final report when directed to do so by the council.

The resolution was read a first time and referred to the Committee on Rules and Procedures.

### House Resolution 28

Representatives Pelath and Budak introduced House Resolution 28:

A HOUSE RESOLUTION urging the establishment of an interim study committee to study school-based mentoring programs.

*Whereas, Mentoring is a growing effort to support and empower our youth;*

*Whereas, School-based mentoring is helping to bridge the gaps among schools, families, businesses, and communities;*

*Whereas, Twenty-three states have developed statewide mentoring networks that are used to link young people to nurturing mentors;*

*Whereas, It would be in the best interest of the state to determine the number and nature of the current mentoring programs available in Indiana, investigate ways to access additional federal dollars for mentoring programs, and provide information regarding the potential value of state support for such programs; and*

*Whereas, The Indiana House of Representatives believes that school-based mentoring programs are important for the social development of our children: Therefore,*

*Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:*

SECTION 1. That the legislative council is urged to establish a committee to study school-based mentoring programs.

SECTION 2. That the committee, if established, shall operate under the direction of the legislative council and that the committee shall issue a final report when directed to do so by the council.

The resolution was read a first time and referred to the Committee on Rules and Legislative Procedures.

### House Resolution 29

Representatives T. Brown and Thompson introduced House Resolution 29:

A HOUSE RESOLUTION to honor Richard "Mark" Clapp, Richmond Town Marshall, who died on December 4, 2003, in the line of duty.

*Whereas, Richard "Mark" Clapp was born on April 7, 1958, in Greencastle, Indiana, and began a life dedicated to the service of others and to his community;*

*Whereas, Richard Clapp was a graduate of Mount Comfort High School, attended Vincennes University, married Debbie Zentko in November of 1978 and together they raised their son, Aaron;*

*Whereas, Richard "Mark" Clapp's distinguished career included 25 years as a permit investigator for the Indiana Department of Transportation, certification with the Federal Bureau of Investigation to dismantle clandestine methamphetamine labs, a member of the Montgomery County's drug task force, and an instructor for the Indiana Law Enforcement Academy;*

*Whereas, For 20 years, Richard Clapp served as New Richmond Town Marshall and in that capacity was known as a man who made a sincere effort to know people's names, make them feel secure, and respond quickly to calls; and*

*Whereas, On December 4, 2003, Richard "Mark" Clapp lost his life in the line of duty after responding to a domestic disturbance, leaving his wife, son, and a grateful community to mourn his loss: Therefore,*

*Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:*

SECTION 1. That the Indiana House of Representatives, on behalf of the citizens of this state and particularly the community of New Richmond, honors the bravery and dedication of Richard "Mark" Clapp, and extends its deepest sympathy to his family and friends.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to the family of Richard "Mark" Clapp.

The resolution was read a first time and adopted by voice vote.

### House Resolution 30

Representative Fry introduced House Resolution 30:

A HOUSE RESOLUTION honoring the Penn High School Spell Bowl Team.

*Whereas, The Hoosier Academic Spell Bowl is a statewide competition;*

*Whereas, The team is open to freshmen, sophomores, juniors, and seniors;*

*Whereas, Unlike spelling bees, Spell Bowl participants write the words on answer sheets in rounds consisting of nine words; they do not spell out loud, and each team member contributes to a team score;*

*Whereas, The Penn High School Spell Bowl Team is the 2003 Class One Hoosier Spell Bowl State Co-Champions for the second consecutive year;*

*Whereas, Spell Bowl team members Cari Carson, Yeona Chun, Cecile Lee, Sarah Han, Ashika David, Aamod Samuel, Kavya Vaidyanathan, Anyaliese Hancock, Jasmyn Russell, Melissa Siedenstrang, Diana Zhao, Shonna Ware, Andy Roberts, Kevin Cheng, Ashley Harlacher, Virginia Johnson, Jenny DeVito, Brianna*

*Collins, Josh Kelter, Monsu Mathew, Sandeep Chennikara, Amanda Collins, Mike McGinnis, Vik Rao, Brittany Collins, Brenda Roberts, Dan Kish, and Sarah Kiefer have enjoyed an outstanding season finishing with a 75-0-1 record, winning all five invitationals in which they competed and scoring a perfect 90 at the regional competition, the highest score of all 200 schools in the state;*

*Whereas, The Penn spellers have five consecutive state championships (1999-2003) and six consecutive regional titles (1998-2003) making them the only academic or athletic team in Penn High School history to win five straight state championships;*

*Whereas, The Penn state team has not lost to an opponent since 1998, winning first place at 28 consecutive competitions since 1999;*

*Whereas, The Penn senior spellers were the first team in school history to win a state championship in all four years of their participation on the team;*

*Whereas, Two senior members of the team have outstanding records: Cari Carson finished four years on the team with a perfect 171/171 words and Kavya Vaidyanathan set the school career Spell Bowl scoring record by correctly spelling 205/207 words in four years on the varsity team; and*

*Whereas, Academic excellence such as this deserves special recognition: Therefore,*

*Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:*

SECTION 1. That the Indiana House of Representatives congratulates the Penn High School Spell Bowl team on its recent victory and wishes the team continued success in future competitions.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to the members of the Penn High School Spell Bowl Team, their coach, principal, and superintendent.

The resolution was read a first time and adopted by voice vote.

### House Resolution 31

Representatives Frizzell, Murphy, and Buell introduced House Resolution 31:

A HOUSE RESOLUTION to honor and commend the RISE Learning Center Performing Group.

*Whereas, The RISE (Relating Individualization to Special Education) Learning Center is a public alternative school that serves the educational needs of qualified students between the ages of five and twenty-two years old;*

*Whereas, The school community served by the RISE Learning Center includes the suburban Marion County school corporations of Beech Grove, Decatur Township, Franklin Township, and Perry Township;*

*Whereas, Recommendations for students to move to RISE Learning Center from other school corporations are based on individual student needs, level of social responsibility and the need for a detailed behavior plan that can be more easily accommodated in this less restrictive environment;*

*Whereas, Instruction is behaviorally oriented with language skills and articulation therapy presented throughout the instructional day as part of the basic curriculum;*

*Whereas, The Performing Group from RISE Learning Center consists of 25 students of all ages and ability levels whose singing programs entertain various school and community groups throughout the school year;*

*Whereas, This group has been in existence for more than 25 years, and throughout that time has given many children an opportunity to gain skills and confidence through performances, as well as share their love for music with others; and*

*Whereas, The RISE Learning Center and its Performing Group are a unique and important educational asset in our community and should be commended for its dedication to serving the needs of its students: Therefore,*

*Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:*

SECTION 1. That the Indiana House of Representatives honors the RISE Learning Center and its Performing Group, commends the work and dedication of its teachers and administrators, congratulates its students upon their remarkable achievements and expresses its appreciation for sharing their love of music and singing with many in our community.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to the RISE Learning Center Performing Group.

The resolution was read a first time and adopted by voice vote.

### House Resolution 32

Representatives L. Lawson, Klinker, and Aguilera introduced House Resolution 32:

A HOUSE RESOLUTION honoring teacher Mike Gordan and his Munster High School class on the occasion of their victory in the "We the People ... the Citizen and the Constitution" competition.

*Whereas, One of the goals of the "We the People ... the Citizen and the Constitution" competition is to "promote civic competence and responsibility among the nation's elementary and secondary students";*

*Whereas, Since the beginning of the "We the People ..." competition in 1987, more than 26 million students and 82,000 educators have participated, as well as members of Congress, businesses, professionals, and community organizations across the nation;*

*Whereas, The "We the People ..." competition is based on a classroom curriculum that complements the regular school curriculum by providing upper elementary, middle, and high school students with an innovative course of instruction on the history and principles of constitutional democracy in the United States;*

*Whereas, The "We the People ..." competition was designed to include a wide range of students with varying abilities;*

*Whereas, Mike Gordan led his class to victory in the "We the People ..." competition; and*

*Whereas, Involvement with the "We the People ..." competition allows students to develop a greater understanding of democratic principles and values and promotes political tolerance, and teachers such as Mike Gordan help to prepare the youth of Indiana for a future that will encourage their knowledge of and participation in our democratic system of government: Therefore,*

*Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:*

SECTION 1. That the Indiana House of Representatives congratulates Mike Gordan and his Munster High School class on their victory in the "We the People ... the Citizen and the Constitution" competition and encourages Mike Gordan to continue to instill in his students a commitment to democratic principles.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Mike Gordan and the members of his Munster High School class.

The resolution was read a first time and adopted by voice vote.

### House Resolution 33

Representatives Summers and Klinker introduced House Resolution 33:

A HOUSE RESOLUTION honoring teacher Norvin Conway and his Crispus Attucks Middle School class on the occasion of their victory in the "We the People ... the Citizen and the Constitution" competition.

*Whereas, One of the goals of the "We the People ... the Citizen and the Constitution" competition is to "promote civic competence and responsibility among the nation's elementary and secondary students";*

*Whereas, Since the beginning of the "We the People ..." competition in 1987, more than 26 million students and 82,000*

*educators have participated, as well as members of Congress, businesses, professionals, and community organizations across the nation;*

*Whereas, The "We the People ..." competition is based on a classroom curriculum that complements the regular school curriculum by providing upper elementary, middle, and high school students with an innovative course of instruction on the history and principles of constitutional democracy in the United States;*

*Whereas, The "We the People ..." competition was designed to include a wide range of students with varying abilities;*

*Whereas, Norvin Conway led his class to victory in the "We the People ..." competition; and*

*Whereas, Involvement with the "We the People ..." competition allows students to develop a greater understanding of democratic principles and values and promotes political tolerance, and teachers such as Norvin Conway help to prepare the youth of Indiana for a future that will encourage their knowledge of and participation in our democratic system of government: Therefore,*

*Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:*

SECTION 1. That the Indiana House of Representatives congratulates Norvin Conway and his Crispus Attucks Middle School class on their victory in the "We the People ... the Citizen and the Constitution" competition and encourages Norvin Conway to continue to instill in his students a commitment to democratic principles.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Norvin Conway and the members of his Crispus Attucks Middle School class.

The resolution was read a first time and adopted by voice vote.

### House Resolution 34

Representatives Klinker and T. Adams introduced House Resolution 34:

A HOUSE RESOLUTION honoring teacher Liz Baily and her St. Mary's Middle School class on the occasion of their victory in the "We the People ... the Citizen and the Constitution" competition.

*Whereas, One of the goals of the "We the People ... the Citizen and the Constitution" competition is to "promote civic competence and responsibility among the nation's elementary and secondary students";*

*Whereas, Since the beginning of the "We the People ..." competition in 1987, more than 26 million students and 82,000 educators have participated, as well as members of Congress, businesses, professionals, and community organizations across the nation;*

*Whereas, The "We the People ..." competition is based on a specialized classroom curriculum that complements the regular school curriculum by providing upper elementary, middle, and high school students with an innovative course of instruction on the history and principles of constitutional democracy in the United States;*

*Whereas, The "We the People ..." competition was designed to include a wide range of students with varying abilities;*

*Whereas, Liz Baily led her St. Mary's Middle School class to victory in the "We the People ..." competition; and*

*Whereas, Involvement with the "We the People ..." competition allows students to develop a greater understanding of democratic principles and values and promotes political tolerance, and teachers such as Liz Baily help to prepare the youth of Indiana for a future that will encourage their knowledge of and participation in our democratic system of government: Therefore,*

*Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:*

SECTION 1. That the Indiana House of Representatives congratulates Liz Baily and her St. Mary's Middle School class on their victory in the "We the People ... the Citizen and the Constitution" competition and encourages Liz Baily to continue to

instill in her students a commitment to democratic principles.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Liz Bailly and the members of the St. Mary's Middle School class.

The resolution was read a first time and adopted by voice vote.

### House Resolution 35

Representatives Welch, Denbo, and Chowning introduced House Resolution 35:

A HOUSE RESOLUTION memorializing Russell L. Basye.

*Whereas, Russell L. Basye died suddenly of a heart attack at the age of 46 on Saturday, December 6, 2003;*

*Whereas, Russell's deep compassion for his family, friends, and community was demonstrated by his dedication to his position on the Bloomfield Town Council and his involvement in many other community organizations;*

*Whereas, Russell, a Democrat, never let politics influence his decisions;*

*Whereas, Russell, in a bipartisan move, recruited Eric Harrah and Gary Swinney, both Republicans, to run for the Bloomfield Town Council;*

*Whereas, During his tenure as councilman, Russell had many accomplishments to be proud of, including the completion of a \$2.6 million wastewater treatment plant, upgrades to the town storm sewers, extensive renovation of the town park, and the upgrade of town street equipment, which enabled Bloomfield to do much of the street work instead of using contractors, a move that will save the town thousands of dollars;*

*Whereas, In addition to his work on the Bloomfield Town Council, Russell was involved in many other community organizations: the Bloomfield Apple Festival, Inc., Bloomfield Masonic Lodge No. 84, the Greene County Emergency Management Advisory Council, the Greene County Local Emergency Planning Committee, the Greene County Shrine Club, the Terre Haute Zorah Shrine Club, the Bloomfield Order of the Eastern Star, and the Worthington American Legion Post Sons of the American Legion;*

*Whereas, Russell was an active member of the Bloomfield Christian Church, where he held several leadership positions over the years;*

*Whereas, Russell, a 1975 graduate of Bloomfield High School, worked as an HVAC service technician at Branstetter-Pullen Heating and Air-Conditioning for more than 26 years; and*

*Whereas, Russell was a dedicated public servant who devoted his life to the betterment of the citizens of his community, and his death will leave a void that is impossible to fill: Therefore,*

*Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:*

SECTION 1. That the Indiana House of Representatives conveys its deep feeling of loss to the family of Russell L. Basye and acknowledges the many contributions Russell made to the community of Bloomfield and the surrounding area. Russell will be deeply missed by his family, friends, and community.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit copies of this resolution to the family of Russell L. Basye and the Bloomfield Town Council members.

The resolution was read a first time and adopted by voice vote.

### OTHER BUSINESS ON THE SPEAKER'S TABLE

#### MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed House Concurrent Resolution 22 and the same is herewith returned to the House.

MARY C. MENDEL  
Principal Secretary of the Senate

#### MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that

the Senate has passed House Concurrent Resolutions 26 and 27 and the same are herewith returned to the House.

MARY C. MENDEL  
Principal Secretary of the Senate

#### MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Senate Concurrent Resolutions 22, 29, 32, and 33 and the same are herewith transmitted to the House for further action.

MARY C. MENDEL  
Principal Secretary of the Senate

#### MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Senate Concurrent Resolutions 25, 28, 30, and 34 and the same are herewith transmitted to the House for further action.

MARY C. MENDEL  
Principal Secretary of the Senate

#### MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Senate Concurrent Resolution 35 and the same is herewith transmitted to the House for further action.

MARY C. MENDEL  
Principal Secretary of the Senate

### RESOLUTIONS ON FIRST READING

#### Senate Concurrent Resolution 11

The Speaker handed down Senate Concurrent Resolution 11, sponsored by Representatives Bauer, Kromkowski, and Dvorak:

A CONCURRENT RESOLUTION to congratulate the St. Joseph boys' soccer team on winning the 2003 IHSAA Soccer State Championship.

*Whereas, On November 1, 2003, the St. Joseph boys' soccer team defeated the defending state champion Indianapolis North Central Panthers 2-1 to capture their first state championship;*

*Whereas, The St. Joseph Indians were only the second team in the state's history to win the state championship with an undefeated record; and*

*Whereas, The win was the result of a great team effort and outstanding individual play, including three incredible saves by goalie Jeff Joines, an impressive slide tackle preventing a North Central goal during the first half by Mike Hughes, and goals scored by David Pope-Davis and Brian Wynne: Therefore,*

*Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:*

SECTION 1. That the Indiana General Assembly congratulates the St. Joseph High School boys' soccer team on winning the 2003 State Championship.

SECTION 2. That the Secretary of the Senate is hereby directed to transmit copies of this resolution to Principal Kathleen Ratliff and Head Coach LeRoy Krempec.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

#### Senate Concurrent Resolution 22

The Speaker handed down Senate Concurrent Resolution 22, sponsored by Representatives Klinker, Scholer, and T. Brown:

A CONCURRENT RESOLUTION to congratulate Coach Gene Keady on his five hundredth career victory at Purdue University.

*Whereas, Purdue Boilermakers men's basketball coach Gene Keady secured his 500<sup>th</sup> career victory at Mackey Arena on January 14<sup>th</sup>, 2004, becoming only the second coach in Big Ten Conference*



history to achieve this milestone;

*Whereas, Coach Keady's life-long dedication to excellence in athletics can be traced back to his college days at Kansas State University where he played football and baseball and ran track;*

*Whereas, After college, Coach Keady enjoyed a brief career in the National Football League with the Pittsburgh Steelers before pursuing a career coaching basketball;*

*Whereas, Coach Keady's dedication to the sport led him to serve as President of the National Association of Basketball Coaches. He has also participated on the coaching staffs of several teams that represented our nation in international competition, including the 2000 Olympic men's basketball team;*

*Whereas, In addition to six Big Ten Conference Titles, Coach Keady's program at Purdue has also produced 29 academic All-Big Ten selections and seven academic All-Americans, showing that excellence in the classroom is as important to him as excellence on the basketball court; and*

*Whereas, Basketball fans and the national press alike recognize Coach Keady as one of the greatest basketball coaches in the country, naming him national coach of the year six times and Big Ten coach of the year seven times: Therefore,*

*Be it resolved by the Senate  
of the General Assembly of the State of Indiana,  
the House of Representatives concurring:*

SECTION 1. That on behalf of the People of Indiana, the Indiana General Assembly congratulates Purdue men's basketball coach Gene Keady on the occasion of his 500<sup>th</sup> victory at Purdue.

SECTION 2. That the Secretary of the Senate is hereby directed to transmit copies of the this resolution to Purdue University President, Martin C. Jischke, Athletic Director, Morgan J. Burke and men's basketball coach, Gene Keady.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

### **Senate Concurrent Resolution 25**

The Speaker handed down Senate Concurrent Resolution 25, sponsored by Representative Bischoff:

A CONCURRENT RESOLUTION memorializing Dolores "Dodie" Baker for a lifetime of dedicated service to her family, the mental health field and the City of Aurora.

*Whereas, Dodie Baker graduated from Letts High School and continued her studies at Indiana University concentrating on English and Psychology. It was during college that she discovered her calling to serve others through nursing;*

*Whereas, At a time when it was prohibited for nurses and doctors to wed, Dodie Baker defied convention and married the late Dr. Leslie M. Baker on September 13, 1940;*

*Whereas, Dodie Baker devoted herself to raising four children. Throughout their school years, Dodie was involved in the Aurora PTA, the band boosters, Cub Scouts, Girl Scouts, and various other activities of interest to children;*

*Whereas, Dodie Baker was a "million mile mom", traveling the Midwest delivering any one of her four children to any number of activities;*

*Whereas, After her children were grown, Dodie Baker became involved in the Community Mental Health Association and Hillforest Historical Foundation in her small community of Aurora;*

*Whereas, Dodie Baker was also a long time member of the United Methodist Church and served as a Sunday School teacher for many years;*

*Whereas, Dodie Baker's devotion to serving her community has been recognized by numerous groups, culminating with her receipt of a Sagamore of the Wabash Award; and*

*Whereas, Even with all of the awards she received, Dodie Baker's four children, eleven grandchildren, and four great-grandchildren*

*were her true pride and joy: Therefore,*

*Be it resolved by the Senate  
of the General Assembly of the State of Indiana,  
the House of Representatives concurring:*

SECTION 1. That the Indiana General Assembly memorializes Dolores "Dodie" Baker for her lifetime dedication to the State of Indiana and People of Dearborn County and for her commitment to her family.

SECTION 2. That the Secretary of the Senate is hereby directed to transmit a copy of this resolution to each of Dodie Baker's children: Ann Lapp, Mary Helen Crook, Sarah Nahmias and Judge John Baker.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

### **Senate Concurrent Resolution 28**

The Speaker handed down Senate Concurrent Resolution 28, sponsored by Representatives Duncan, Bischoff, and Buell:

A CONCURRENT RESOLUTION to honor the members of the 1954 Milan men's basketball team on the 50th anniversary of their legendary state championship.

*Whereas, the 1953 Milan Indians men's basketball team advanced to the final four of the state competition before losing in the semi-finals to South Bend Central;*

*Whereas, With the nucleus of the 1953 team returning, the 1954 Milan Indians achieved a regular season record of 19 wins and 2 losses;*

*Whereas, Milan's success continued through sectionals, regionals, and semi-state, earning the team the opportunity to compete for the state title;*

*Whereas, In the championship game, Milan defeated Muncie Central on a famous final-second shot to win the state title;*

*Whereas, Sports Illustrated has named the 1954 Milan team one of the top twenty teams of the century. In addition, Indiana sports writers named this the #1 sports story in Indiana history. This event also provided the inspiration for the 1986 movie "Hoosiers"; and*

*Whereas, it is most fitting to honor the Miracle Men of Milan again, fifty years after their great feat was accomplished: Therefore,*

*Be it resolved by the Senate  
of the General Assembly of the State of Indiana,  
the House of Representatives concurring:*

SECTION 1. That the Indiana General Assembly congratulates the members of the 1954 Milan Indians team and honors them on the 50th anniversary of this momentous occasion.

SECTION 2. That the Secretary of the Senate is hereby directed to transmit a copy of this resolution to the members of the team, Milan '54, INC., and Mrs. Mary Lou Wood.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

### **Senate Concurrent Resolution 30**

The Speaker handed down Senate Concurrent Resolution 30, sponsored by Representatives Welch and Pierce:

A CONCURRENT RESOLUTION honoring Jerry Yeagley upon his retirement as coach of the Indiana University men's soccer team.

*Whereas, Jerry Yeagley retired at the end of the 2003 men's soccer season as head coach after dedicating 31 years of service to that team;*

*Whereas, Jerry Yeagley's career record of 544 victories is a an all-time record in Division I soccer;*

*Whereas, Jerry Yeagley led the Hoosiers to six NCAA titles and sixteen trips to the College Cup more than any other team in the NCAA;*

*Whereas, Jerry Yeagley built the Indiana University soccer program from the ground up, soccer began as a club sport in 1963,*



becoming a varsity sport in 1973;

Whereas, Indiana University varsity soccer teams under Jerry Yeagley have ranked among the top five in the final NSCAA poll seventeen times;

Whereas, Jerry Yeagley won the NSCAA National Coach of the Year award an unprecedented six times and Big Ten coach of the year eight times;

Whereas, Jerry Yeagley orchestrated a turn around in the 2003 season guiding the team from a record of 2-3-4, the team's worst start ever, to 15 consecutive wins and a record of 17-3-5 allowing the team to capture the Big Ten Conference regular season title, the Big Ten Tournament crown, and the sixth National Championship;

Whereas, Jerry Yeagley has been honored by induction into the United States Soccer Hall of Fame;

Whereas, Jerry Yeagley has received the prestigious Bill Jeffrey Award given for his unique contributions to intercollegiate soccer;

Whereas, Jerry Yeagley was inducted into the Pennsylvania Athletic Hall of Fame;

Whereas, Jerry Yeagley has received the National Soccer Coaches Association of America's Honor Award, that organization's highest honor;

Whereas, Jerry Yeagley has served as President of the Intercollegiate Soccer Association of America;

Whereas, Jerry Yeagley has consistently made the inclusion of international players on his team;

Whereas, Under Jerry Yeagley's coaching the Indiana University soccer team has earned forty-eight All America honors;

Whereas, Jerry Yeagley was instrumental in the development of a Big Ten tournament which his team has gone on to win nine times;

Whereas, Jerry Yeagley has won 74.1% of NCAA tournament games and 92.9% of NCAA games at home;

Whereas, Jerry Yeagley and his wife Marilyn have made Bloomington their home; and

Whereas, Jerry Yeagley has served Indiana University and the people of the state of Indiana by encouraging many students and athletes over the years: Therefore,

*Be it resolved by the Senate  
of the General Assembly of the State of Indiana,  
the House of Representatives concurring:*

SECTION 1. That the General Assembly congratulates and honors Jerry Yeagley on his recent retirement after 31 years of service to Indiana as coach of the Indiana University soccer program.

SECTION 2. That the Secretary of the Senate transmit a copy of this resolution to Jerry Yeagley.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

### Senate Concurrent Resolution 32

The Speaker handed down Senate Concurrent Resolution 32, sponsored by Representative Ruppel:

A CONCURRENT RESOLUTION congratulating the members of the Whitko Future Farmer's of America (FFA) organization for their accomplishments in recent state and national competitions and for their continued dedication to agricultural education.

Whereas, The FFA was organized nationally in 1928 in Kansas City, Missouri. In 1950, Congress granted the FFA a federal charter making it an integral part of public agricultural instruction under the National Vocational Education Acts;

Whereas, The FFA operates on local, state and national levels. Student members belong to chapters organized at the local school level;

Whereas, The local, state and national programs and activities help members develop public speaking skills, conduct and participate in meetings, manage financial matters, strengthen problem-solving

abilities and assume civic responsibility;

Whereas, Competitive events and awards programs in areas such as public speaking, commodity marketing and agriscience recognize students' achievements, encourage them to excel beyond the classroom and develop career skills;

Whereas, Members of the Whitko High School FFA Chapter participated in many of the recent state and national competitions;

Whereas, Adam Haegert, Matthew Metzger, Amanda Nicodemus, Cara Ramey, and coach David Metzger competed in the Dairy Career Development Event, earning the title of Indiana State Champion and then went on to place 5th at the World Dairy Expo held in Madison, Wisconsin;

Whereas, Jeremiah Geiger, Adam Haegert, Melinda Kessie, Matthew Metzger, and coach Roger K. Carr competed in the Meat Career Development Event, earning the title of Indiana State Champion and then when on to place 3rd at the National FFA Convention held in Louisville, Kentucky;

Whereas, Abby Hicks, Melinda Kessie, Andrew Nicodemus, Cari Sherbahn, and coach Roger K. Carr competed in the Skill-a-thon, earning the title of Indiana State Champion and then went on to place 6th at the National Skill-a-thon contest at the North American held in Louisville, Kentucky;

Whereas, Leigh Anne Dausman, Angie Juricak, Amanda Nicodemus, Cara Ramey and coach Roger K. Carr competed in the Meat Career Development Event, earning the title of Indiana State Champion and then went on to place 9th at the National Meats Judging Contest at the American Royal held in Kansas City, Missouri;

Whereas, Jerry Bowers competed in the Freshman Extemporaneous Public Speaking contest and earned the title of Indiana State Champion; and

Whereas, Agricultural education and competition prepares students for successful careers and a lifetime of informed choices in the global agriculture, food, fiber and natural resources systems: Therefore,

*Be it resolved by the Senate  
of the General Assembly of the State of Indiana,  
the House of Representatives concurring:*

SECTION 1. That the Indiana General Assembly congratulates and honors all members of the Whitko High School Future Farmers of America organization for their outstanding accomplishments in recent agriculture competitions held at both the state and national level.

SECTION 2. That the Principal Secretary of the Senate is hereby directed to transmit a copy of this resolution to the Whitko High School Future Farmers of America, Superintendent Dr. Jeff Hendrix, and Principal Jim Suding.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

### Senate Concurrent Resolution 33

The Speaker handed down Senate Concurrent Resolution 33, sponsored by Representative Ruppel:

A CONCURRENT RESOLUTION to recognize the students of the Whitko High School Art Department who participated in the 34th World School Children's Art Exhibition in the Republic of China, Taipei.

Whereas, In an effort to promote mutual understanding and friendship among the younger generation of the world, the Republic of China sponsored the 34th international art contest;

Whereas, The competition was open to students aged six to fifteen;

Whereas, Whitko High School was one of 18 high schools representing the United States in the exhibition. Fifteen students from Whitko received medals recognizing their art work;

Whereas, In competition Whitko High School art students have received 32 national and 95 international awards to date; and

Whereas, The art students at Whitko High School have used their

*talents of artistic expression to represent the State of Indiana as well as our country, in an international competition: Therefore,*

*Be it resolved by the Senate  
of the General Assembly of the State of Indiana,  
the House of Representatives concurring:*

SECTION 1. That the Indiana General Assembly honors the Whitko High School Art Department and the students that participated in the 34th World School Children's Art Exhibition.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this resolution to art director Walter C. Malicki, Principal Jim Suding, and the art students that entered projects in the Exhibition.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

### Senate Concurrent Resolution 34

The Speaker handed down Senate Concurrent Resolution 34, sponsored by Representatives Welch and Pierce:

A CONCURRENT RESOLUTION honoring the 2003 Indiana University men's soccer team.

*Whereas, The Indiana men's soccer team claimed its sixth NCAA Division I national title on Sunday December 14, 2003 by beating St. John's University team 2 to 1 at Crew Stadium in Columbus, Ohio;*

*Whereas, Team members, Matt Schlake, Jay Noly, Julian Dieterie, Pat Yates, Jed Zayner, Danny O'Rourke, Jordan Chirco, Josh Tudela, John Micheal Hayden, Trey Meek, Brian Plotkin, Ned Grabavoy, Chris Pomeroy, Drew Moor, Charley Traylor, Kevin Robson, Nick Kukenski, Drew Shinabarger, Vijay Dias, Greg Stevning, Greg Badger, Jacob Peterson, Kyle Brabender, Kyle Schwartz, Jaer Cardenas, Nathan Scherpenisse, and Chris Monroe competed vigorously throughout the 2003 season;*

*Whereas, Coach Jerry Yeagley orchestrated a turn around in the 2003 season guiding the team from a record of 2-3-4, the team's worst start ever, to 15 consecutive wins and a record of 17-3-5 allowing the team to capture the Big Ten Conference regular season title, the Big Ten Tournament crown, and its' sixth NCAA Division I national title;*

*Whereas, Assistant Coaches Mike Freitag and Calab Porter, and Volunteer Assistant Todd Yeagley were key to the team's successes;*

*Whereas, Indiana University now ranks second in all-time NCAA division I championships in men's soccer; and*

*Whereas, Seven members of the 2003 Indiana team, Jay Nolly, Jed Zayner, Drew Shinabarger, Josh Tudela, Danny O'Rourke, Jacob Peterson, and Ned Grabavoy were names to the 2003 NCAA men's Division I College Cup All-Tournament Team: Therefore,*

*Be it resolved by the Senate  
of the General Assembly of the State of Indiana,  
the House of Representatives concurring:*

SECTION 1. That the General Assembly congratulates and honors the 2003 Indiana University men's soccer team as NCAA Division I champions.

SECTION 2. That the Secretary of the Senate transmit copies of this resolution to: Matt Schlake, Jay Noly, Julian Dieterie, Pat Yates, Jed Zayner, Danny O'Rourke, Jordan Chirco, Josh Tudela, John Micheal Hayden, Trey Meek, Brian Plotkin, Ned Grabavoy, Chris Pomeroy, Drew Moor, Charley Traylor, Kevin Robson, Nick Kukenski, Drew Shinabarger, Vijay Dias, Greg Stevning, Greg Badger, Jacob Peterson, Kyle Brabender, Kyle Schwartz, Jaer Cardenas, Nathan Scherpenisse, Chris Monroe, Jerry Yeagley, Mike Freitag, Calab Porter, and Todd Yeagley.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

The Deputy Speaker Pro Tempore yielded the gavel to the Speaker.

### Senate Concurrent Resolution 35

The Speaker handed down Senate Concurrent Resolution 35, sponsored by Representative Turner:

A CONCURRENT RESOLUTION honoring Robert Pickett for his many years of dedication to the profession of teaching Indiana's youth and for being named Indiana's Teacher of the Year for 2003.

*Whereas, Mr. Pickett earned his Bachelor of Science Degree in Elementary Education from Ball State University in 1979, and his Master of Science in Elementary Education from Indiana University-Kokomo in 1983;*

*Whereas, Mr. Pickett is a member of the Hamilton County, Indiana State and International Reading Associations, the Marion-Adams Education Association, the Indiana State Teachers Association, the National Education Association, and the Kappa Delta Pi honor society in education;*

*Whereas, Mr. Pickett is also a member of the steering committee for Marion-Adams School District's Strategic and Continuous School Improvement and Achievement Plan and serves as the secretary of the Marion-Adams Scholarship Foundation;*

*Whereas, Mr. Pickett is a teacher at the Marion Elementary School and has a way of making each child feel that he or she is a valuable member of the classroom community;*

*Whereas, In 1994, Mr. Pickett formed a monthly community activity called "Parents' Night Out", an opportunity for him to meet in the classroom with parents, to recruit volunteers, and allow parents to socialize;*

*Whereas, In addition to his responsibilities at the elementary school, Mr. Pickett has been a classroom supervisor for Sheridan High School's Peer Facilitators and a classroom supervisor for its Spanish Enrichment Program since 1996;*

*Whereas, Mr. Pickett was named Marion-Adams School District's Teacher of the Year, was a semifinalist for Indiana Teacher of the Year in 1990 and repeatedly has been cited as Teacher of the Year by the Hamilton County Farm Bureau and the Legacy Fund Foundation of the Cline Endowment Fund; and*

*Whereas, Mr. Pickett was recently named Indiana's Teacher of the Year for 2003 and will represent Indiana this spring in Washington, D.C. at the national competition sponsored by the Council of Chief State School Officers: Therefore,*

*Be it resolved by the Senate  
of the General Assembly of the State of Indiana,  
the House of Representatives concurring:*

SECTION 1. That the Indiana General Assembly honors and congratulates Robert Pickett for his dedication to teaching the youth of Indiana, upon being named as Indiana's Teacher of the Year for 2003, and for representing Indiana in the national competition held last spring in Washington D.C.

SECTION 2. That the Secretary of the Senate is hereby directed to transmit a copy of this resolution to Robert Pickett, Linda Floyd, Principal of the Marion Elementary School and Dr. Patrick Mark, Superintendent of the Marion-Adams Schools.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

## REPORTS FROM COMMITTEES

### COMMITTEE REPORT

Mr. Speaker: Your Committee on Technology, Research and Development, to which was referred Engrossed Senate Bill 45, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 13, nays 0.

HASLER, Chair

Report adopted.

### COMMITTEE REPORT

Mr. Speaker: Your Committee on Technology, Research and

Development, to which was referred Engrossed Senate Bill 47, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 13, nays 0.

HASLER, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Technology, Research and Development, to which was referred Engrossed Senate Bill 211, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 13, nays 0.

HASLER, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Engrossed Senate Bill 247, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, between lines 24 and 25, begin a new paragraph and insert:

**"(k) The department may not publish a list under subsection (j) that identifies a particular taxpayer unless at least two (2) weeks before the publication of the list the department sends notice to the taxpayer stating that the taxpayer:**

**(1) is subject to a tax warrant that:**

**(A) was issued at least twelve (12) months before the date of the notice; and**

**(B) is for an amount that exceeds one thousand dollars (\$1,000); and**

**(2) will be identified on a list to be published on accessIndiana unless a tax release is issued to the taxpayer under subsection (b)."**

(Reference is to SB 247 as printed January 23, 2004.)

and when so amended that said bill do pass.

Committee Vote: yeas 19, nays 5.

CRAWFORD, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Technology, Research and Development, to which was referred Engrossed Senate Bill 281, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 13, nays 0.

HASLER, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Engrossed Senate Bill 315, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 21, nays 0.

CRAWFORD, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Engrossed Senate Bill 327, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

**A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.**

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 4-3-12-3, AS AMENDED BY P.L.58-2002, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 3. The corporation, after being certified by the governor under section 1 of this chapter, may:

(1) establish programs to identify entrepreneurs with marketable ideas and to support the organization and development of new business enterprises, including technologically oriented enterprises;

(2) conduct conferences and seminars to provide entrepreneurs with access to individuals and organizations with specialized expertise;

(3) establish a statewide network of public, private, and educational resources to assist the organization and development of new enterprises;

(4) operate a small business assistance center to provide small businesses, including minority owned businesses and businesses owned by women, with access to managerial and technical expertise and to provide assistance in resolving problems encountered by small businesses;

(5) cooperate with the Indiana business modernization and technology corporation, other public and private entities, including the Indiana small business development network and the federal government marketing program, in exercising the powers listed in subdivisions (1) through (4);

~~(6) establish and administer the small and minority business assistance program under IC 4-3-16;~~

~~(7) approve and administer loans from the enterprise development fund established under IC 4-3-13; and~~

~~(8) (6) coordinate state-funded programs that assist the organization and development of new enterprises.~~

SECTION 2. IC 4-3-13-1.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 1.5. As used in this chapter, "corporation" refers to the Indiana ~~small business economic development corporation~~ **council established under IC 4-3-13.**

SECTION 3. IC 4-3-13-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 2. As used in this chapter, "fund" refers to the ~~enterprise development~~ **microenterprise partnership program fund established by section 9 of this chapter.**

SECTION 4. IC 4-3-13-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 8. (a) The general assembly makes the following findings of fact:

(1) There exists in Indiana an inadequate amount of locally managed, pooled investment capital in the private sector available to invest in new and existing business ventures, including business ventures by nontraditional entrepreneurs.

(2) Investing capital and business management advice in new and existing business ventures, including business ventures by nontraditional entrepreneurs, will enhance economic development and create and retain employment within Indiana. This investment will enhance the health and general welfare of the people of Indiana and constitutes a public purpose.

(3) Nontraditional entrepreneurs have not engaged in entrepreneurship and self-employment to the extent found in the mainstream of Indiana's population. Realizing the potential of these nontraditional entrepreneurs will enhance Indiana's economic vitality.

(b) Therefore, it is declared to be the policy of the state to promote economic development and entrepreneurial talent of the state's inhabitants by the creation of the ~~enterprise development~~ fund for the public purpose of promoting opportunities for gainful employment and business opportunities.

SECTION 5. IC 4-3-13-9, AS AMENDED BY P.L.58-2002, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 9. (a) The ~~enterprise development~~ **microenterprise partnership program** fund is established. The fund is a revolving fund for the purpose of:

(1) providing loans approved by the corporation under this chapter and IC 4-3-12-3;

(2) providing loans or loan guarantees under the small and minority business financial assistance program established by IC 4-3-16;

**(3) carry out the microenterprise partnership program under IC 4-4-32.4; and**

(3) (4) paying the costs of administering this chapter, and IC 4-3-16, and IC 4-3-32.4.

The fund shall be administered by the corporation.

(b) The fund consists of:

- (1) amounts appropriated by the general assembly;
- (2) the repayment proceeds (including interest) of loans made from the fund; and
- (3) donations, grants, and money received from any other source.

(c) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested.

(d) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

(e) The fund is subject to an annual audit by the state board of accounts. The fund shall bear the full costs of this audit.

SECTION 6. IC 4-3-13-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 19. (a) As used in this section, "eligible entity" means any partnership, unincorporated association, corporation, or limited liability company, whether or not operated for profit, that is established for the purpose of establishing a local investment pool.

(b) A local investment pool may be established only by an eligible entity. A political subdivision may participate in the establishment of an eligible entity but may not be the sole member of the eligible entity.

(c) The articles of incorporation or bylaws of the eligible entity, as appropriate, must provide the following:

(1) The exclusive purpose of the eligible entity is to establish a local investment pool to:

- (A) attract private equity investment to provide grants, equity investments, loans, and loan guarantees for the establishment or operation of businesses in Indiana; and
- (B) provide a low to moderate rate of return to investors in the short term, with higher rates of return in the long term.

(2) The governing body of the eligible entity must include:

- (A) persons who are qualified by professional background and business experience to make sound financial and investment decisions in the private sector; and
- (B) representatives of nontraditional entrepreneurs.

(3) The eligible entity may receive funds from:

- (A) equity investors;
- (B) grants and loans from local units of government;
- (C) grants and loans from the federal government;
- (D) donations; and
- (E) loans from the enterprise development fund.

SECTION 7. IC 4-3-13-20 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 20. (a) A local opportunity pool may be established only by a nonprofit corporation or a for profit corporation established for that purpose. A political subdivision may participate in the establishment of such a corporation but may not be the sole member of the corporation.

(b) The articles of incorporation or bylaws of the corporation, as appropriate, must provide the following:

(1) The exclusive purpose of the corporation is to establish a local opportunity pool to:

- (A) attract sources of funding other than private equity investment to provide grants, loans, and loan guarantees for the establishment or operation of nontraditional entrepreneurial endeavors in Indiana; and
- (B) enter into financing agreements that seek the return of the principal amounts advanced by the pool, with the potential for a greater return.

(2) The board of directors of the corporation must include:

- (A) persons who are actively engaged in Indiana in private enterprise, organized labor, or state or local governmental agencies and who are qualified by professional background and business experience to make sound financial and investment decisions in the private sector; and
- (B) representatives of nontraditional entrepreneurs.

(3) The corporation may receive funds from:

- (A) philanthropic foundations;
- (B) grants and loans from local units of government;

(C) grants and loans from the federal government;

(D) donations;

(E) bequests; and

(F) loans from the enterprise development fund.

SECTION 8. IC 4-3-14-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 4. (a) The articles of incorporation or bylaws of the corporation, as appropriate, must provide that:

(1) the exclusive purpose of the corporation is to contribute to the strengthening of the economy of the state by:

(A) coordinating the activities of all parties having a role in the state's economic development through evaluating, overseeing, and appraising those activities on an ongoing basis;

(B) overseeing the implementation of the state's economic development plan and monitoring the updates of that plan; and

(C) educating and assisting all parties involved in improving the long range vitality of the state's economy;

(2) the board must include:

(A) the governor;

(B) the lieutenant governor;

(C) the chief operating officer of the corporation;

(D) the chief operating officer of the corporation for Indiana's international future; and

(E) additional persons appointed by the governor, who are actively engaged in Indiana in private enterprise, organized labor, state or local governmental agencies, and education, and who represent the diverse economic and regional interests throughout Indiana;

(3) the governor shall serve as chairman of the board of the corporation, and the lieutenant governor shall serve as the chief executive officer of the corporation;

(4) the governor shall appoint as vice chairman of the board a member of the board engaged in private enterprise;

(5) the lieutenant governor shall be responsible as chief executive officer for overseeing implementation of the state's economic development plan as articulated by the corporation and shall oversee the activities of the corporation's chief operating officer;

(6) the governor may appoint an executive committee composed of members of the board (size and structure of the executive committee shall be set by the articles and bylaws of the corporation);

(7) the corporation may receive funds from any source and may expend funds for any activities necessary, convenient, or expedient to carry out its purposes;

(8) any amendments to the articles of incorporation or bylaws of the corporation must be approved by the governor;

(9) the corporation shall submit an annual report to the governor and to the Indiana general assembly on or before the first day of November for each year;

(10) the corporation shall conduct an annual public hearing to receive comment from interested parties regarding the annual report, and notice of the hearing shall be given at least fourteen

(14) days prior to the hearing in accordance with IC 5-14-1.5-5(b); and

(11) the corporation is subject to an annual audit by the state board of accounts, and the corporation shall bear the full costs of this audit.

(b) The corporation may perform other acts and things necessary, convenient, or expedient to carry out the purposes identified in this section, and it has all rights, powers, and privileges granted to corporations by IC 23-17 and by common law.

(c) The corporation shall:

(1) approve and administer loans from the microenterprise partnership program fund established under IC 4-3-13-9;

(2) establish and administer the nontraditional entrepreneur program under IC 5-13-13;

(3) establish and administer the small and minority business assistance program under IC 4-3-16; and

(4) establish and administer the microenterprise partnership program under IC 4-4-32.4.

SECTION 9. IC 4-3-16-2.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 2.5. As used in this chapter, "corporation" refers to the Indiana ~~small business economic development corporation~~ **council established under IC 4-3-14.**

SECTION 10. IC 4-3-16-2.7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 2.7. As used in this chapter, "fund" refers to the ~~enterprise development microenterprise partnership program~~ **fund established by IC 4-3-13-9.**

Page 1, line 1, delete "4-4-32" and insert "4-4-32.4".

Page 1, line 4, delete "32." and insert "**32.4**".

Page 1, line 5, delete ""department"" and insert ""**council**"".

Page 1, line 5, after "the" insert "**Indiana economic development council established under IC 4-3-14.**".

Page 1, delete line 6.

Page 2, line 9, delete "department" and insert "**council**".

Page 2, line 18, delete "department" and insert "**council**".

Page 3, line 14, after "by" insert "**at least**".

Page 3, line 26, delete "department" and insert "**council**".

Page 3, line 26, delete "adopt rules under IC 4-22-2" and insert "**prescribe standards, procedures, and other guidelines**".

Page 3, delete lines 28 through 42, begin a new paragraph and insert:

"**Sec. 13. The council may use money in the microenterprise partnership program fund established by IC 4-3-13-9 or any other money available to the council to carry out this chapter.**

**Sec. 14. Before August 1, 2005, and before August 1 of each year thereafter, the council shall submit to the budget committee a supplemental report on a longitudinal study:**

**(1) describing the economic development outcomes resulting from microloans made under this chapter; and**

**(2) evaluating the effectiveness of the microloan delivery organizations and the microloans made under this chapter in:**

**(A) expanding employment and self-employment opportunities in Indiana; and**

**(B) increasing the incomes of persons employed by microenterprises.**

SECTION 3. [EFFECTIVE JULY 1, 2004] **(a) After June 30, 2004, any reference in any law, rule, or other document to the enterprise development fund shall be treated as a reference to the microenterprise partnership program fund.**

**(b) After June 30, 2004, any reference in any law, rule, or other document to the Indiana small business development corporation as it relates to the programs established under IC 4-3-13 and IC 4-3-16, as effective before July 1, 2004, shall be treated as a reference to the Indiana economic development council.**

**(c) Effective July 1, 2004, any property or liabilities accruing to the Indiana small business development corporation in connection with the administration of IC 4-3-13 and IC 4-3-16, as effective before July 1, 2004, are transferred to the Indiana economic development council."**

Renumber all SECTIONS consecutively.

(Reference is to SB 327 as reprinted February 3, 2004.)  
and when so amended that said bill do pass.

Committee Vote: yeas 25, nays 0.

CRAWFORD, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred Engrossed Senate Bill 342, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 17.

Page 2, delete lines 1 through 38, begin a new paragraph and insert:

"SECTION 1. IC 9-13-2-42, AS AMENDED BY P.L.74-2001, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 42. (a) "Dealer" means, except as otherwise provided in this section, a person who sells to the general public, including a person who sells directly by the Internet or other

computer network, at least twelve (12) vehicles each year for delivery in Indiana. A dealer must have an established place of business that meets the minimum standards prescribed by the bureau under rules adopted under IC 4-22-2.

(b) The term does not include the following:

(1) A receiver, trustee, or other person appointed by or acting under the judgment or order of a court.

(2) A public officer while performing official duties.

(3) A person who is a dealer solely because of activities as a transfer dealer.

**(4) A person that sells off-road vehicles.**

(c) "Dealer", for purposes of IC 9-31, means a person that sells to the general public for delivery in Indiana at least six (6) boats per year.

SECTION 2. IC 9-13-2-114.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: **Sec. 114.6. "Off-road vehicle" has the meaning set forth in IC 14-16-1-3.**

SECTION 3. IC 9-13-2-123, AS AMENDED BY P.L.21-2003, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 123. (a) "Passenger motor vehicle" means, except as provided in subsection (b), a motor vehicle designed for carrying passengers. The term includes a low speed vehicle but does not include a motorcycle, a bus, ~~or~~ a school bus, ~~or~~ an off-road vehicle.

(b) For purposes of IC 9-19-10, the term includes buses, school buses, and private buses, and excludes trucks, tractors, and recreational vehicles.

SECTION 4. IC 9-17-2-1, AS AMENDED BY P.L.181-1999, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 1. (a) Within sixty (60) days of becoming an Indiana resident, a person must obtain a certificate of title for all vehicles owned by the person that:

(1) are subject to the motor vehicle excise tax under IC 6-6-5;

**or**

**(2) are off-road vehicles for which a certificate of title was issued by another state;**

**and that will be operated in Indiana.**

(b) Within sixty (60) days after becoming an Indiana resident, a person shall obtain a certificate of title for all commercial vehicles owned by the person that:

(1) are subject to the commercial vehicle excise tax under IC 6-6-5.5;

(2) are not subject to proportional registration under the International Registration Plan; and

(3) will be operated in Indiana.

(c) A person must produce evidence concerning the date on which the person became an Indiana resident.

SECTION 5. IC 9-17-2-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: **Sec. 1.5. A person who purchases an off-road vehicle after June 30, 2004, must obtain a certificate of title for the off-road vehicle from the bureau.**

SECTION 6. IC 9-17-2-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 5. If an application for a certificate of title is for a vehicle brought into Indiana from another state, the application must be accompanied by:

(1) the certificate of title issued for the vehicle by the other state if the other state has a certificate of title law; ~~or~~

(2) a sworn bill of sale or dealer's invoice fully describing the vehicle and the most recent registration receipt issued for the vehicle if the other state does not have a certificate of title law;

**or**

**(3) other information that the bureau requires, if the other state does not have a certificate of title or registration law.**

SECTION 7. IC 9-17-2-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 6. (a) **This section does not apply to a motor vehicle requiring a certificate of title under section 1(a)(2) or 1.5 of this chapter.**

(b) A certificate of title issued for a vehicle that is required to be registered under this title at a declared gross weight of sixteen thousand (16,000) pounds or less must contain the odometer reading of the vehicle in miles or kilometers as of the date of sale or transfer

of the vehicle.

(b) (c) A person may not knowingly furnish to the bureau odometer information that does not accurately indicate the total recorded miles or kilometers on the vehicle.

(e) (d) The bureau and its license branches are not subject to a criminal or civil action by a person for an invalid odometer reading on a certificate of title.

SECTION 8. IC 9-17-2-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 9. (a) **This section does not apply to a motor vehicle requiring a certificate of title under section 1(a)(2) or 1.5 of this chapter.**

(b) A person applying for a certificate of title must:

- (1) apply for registration of the vehicle described in the application for the certificate of title; or
- (2) transfer the current registration of the vehicle owned or previously owned by the person.

SECTION 9. IC 9-17-2-17 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 17. **A certificate of title issued under this chapter does not relieve an owner of an off-road vehicle from any registration requirement for the off-road vehicle under IC 14-16-1.**

SECTION 10. IC 9-17-8-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 0.5. **This chapter does not apply to an off-road vehicle.**

SECTION 11. IC 9-18-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 1. This article does not apply to the following:

- (1) Farm wagons.
- (2) Farm tractors.
- (3) Farm machinery.
- (4) A new motor vehicle, if the new motor vehicle is being operated in Indiana solely to remove it from an accident site to a storage location because:
  - (A) the new motor vehicle was being transported on a railroad car or semitrailer; and
  - (B) the railroad car or semitrailer was involved in an accident that required the unloading of the new motor vehicle to preserve or prevent further damage to it.

**(5) Off-road vehicles.**

SECTION 12. IC 9-18-18-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 4. Not more than ~~two~~ **(2) five (5)** disabled veteran license plates may be issued to each eligible person.

SECTION 13. IC 9-22-3-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 0.5. **For purposes of this chapter, "motor vehicle" does not include an off-road vehicle."**

Page 3, line 11, after "company," insert "or".

Page 3, line 11, delete "corporation, or a unit of government" and insert **"corporation"**.

Page 5, delete lines 2 through 7, begin a new paragraph and insert: "SECTION 15. IC 9-23-2-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 0.5. **For purposes of this chapter, "motor vehicle" does not include an off-road vehicle.**

SECTION 16. IC 9-23-2.5-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 0.5. **This chapter does not apply to a person that leases off-road vehicles.**

SECTION 17. IC 9-23-3-0.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 0.1. **This chapter does not apply to a person that distributes or manufactures off-road vehicles.**

SECTION 18. IC 9-23-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 2. (a) **This section does not apply to a manufacturer of off-road vehicles.**

(b) Notwithstanding the terms, provisions, or conditions of any agreement or franchise, the manufacturer or the converter manufacturer is liable for all damage to a new motor vehicle before delivery to a carrier or transporter.

SECTION 19. IC 9-23-5-0.5 IS ADDED TO THE INDIANA

CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 0.5. **This chapter does not apply to a franchise that sells off-road vehicles.**

SECTION 20. IC 9-24-7-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 4. A learner's permit authorizes the permit holder to operate a motor vehicle, except a motorcycle, upon a public highway under the following conditions:

- (1) While the holder is participating in practice driving in an approved driver education course and is accompanied by a certified driver education instructor in the front seat of an automobile equipped with dual controls.
- (2) If the learner's permit has been validated and the holder is less than eighteen (18) years of age, the holder may participate in practice driving if the seat beside the holder is occupied by a guardian, **stepparent**, or relative of the holder who holds a valid operator's, chauffeur's, or public passenger chauffeur's license.
- (3) If the learner's permit has been validated and the holder is at least eighteen (18) years of age, the holder may participate in practice driving if accompanied in the vehicle by an individual who holds a valid operator's, chauffeur's, or public passenger chauffeur's license.
- (4) While:
  - (A) the holder is enrolled in an approved driver education course;
  - (B) the holder is participating in practice driving after having commenced an approved driver education course; and
  - (C) the seat beside the holder is occupied by a parent, **stepparent**, or guardian of the holder who holds a valid operator's, chauffeur's, or public passenger chauffeur's license.

SECTION 21. IC 14-16-1-9.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 9.5. **Registration under this chapter does not relieve an owner of an off-road vehicle from any requirement to obtain a certificate of title for the off-road vehicle under IC 9-17-2."**

Page 6, line 6, after "after the" insert ":

**(1)".**

Page 6, line 7, after "work" insert ",".

Page 6, line 7, strike "the", begin a new line block indented and insert:

**"(2)".**

Renumber all SECTIONS consecutively.

(Reference is to SB 342 as printed January 30, 2004.) and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

RESKE, Chair

Report adopted.

**COMMITTEE REPORT**

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred Engrossed Senate Bill 374, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 11, nays 0.

RESKE, Chair

Report adopted.

**COMMITTEE REPORT**

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred Engrossed Senate Bill 389, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 12, nays 0.

DVORAK, Chair

Report adopted.

**COMMITTEE REPORT**

Mr. Speaker: Your Committee on Ways and Means, to which was



referred Engrossed Senate Bill 409, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 2, strike "If the public defense".

Page 1, strike lines 3 through 7.

Page 1, line 8, delete "two (2) transfers of funds to".

Page 1, line 8, strike "the public".

Page 1, strike lines 9 through 15 and insert "**The commission shall give priority to certified claims for reimbursement in capital cases. If the balance in the public defense fund is not adequate to fully reimburse all certified claims in noncapital cases, the commission shall prorate reimbursement of certified claims in noncapital cases.**"

SECTION 2. IC 33-11.6-4-15, AS AMENDED BY P.L.141-2002, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 15. (a) The costs consist of the following:

(1) A township docket fee equal to five dollars (\$5) plus forty-five percent (45%) of the infraction or ordinance violation costs fee under IC 33-19-5-2.

(2) Bailiff's service of process by registered or certified mail fee of thirteen dollars (\$13) for each service.

(3) The cost for the personal service of process by the bailiff or other process server in the amount of thirteen dollars (\$13) for each service.

(4) Witness fees, if any, in the amount provided by IC 33-19-1-6 to be taxed and charged in the circuit court of the county.

(5) A redocketing fee, if any, of five dollars (\$5).

(6) A document storage fee under IC 33-19-6-18.1.

(7) An automated record keeping fee under IC 33-19-6-19. ~~and~~

(8) A late fee, if any, under IC 33-19-6-20.

**(9) A judicial administration fee under IC 33-19-6-19.3.**

The docket fee and the cost for the initial service of process shall be paid upon the institution of each case. The cost of service rendered subsequent to the initial service shall be assessed and paid after such service has been made, and the cost of witness fees shall be paid before the witnesses are called.

(b) If the amount of the township docket fee computed under subsection (a)(1) is not equal to a whole number, the amount shall be rounded to the next highest whole number.

SECTION 3. IC 33-19-5-1, AS AMENDED BY P.L.1-2002, SECTION 133, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 1. (a) For each action that results in a felony conviction under IC 35-50-2 or a misdemeanor conviction under IC 35-50-3, the clerk shall collect from the defendant a criminal costs fee of one hundred twenty dollars (\$120).

(b) In addition to the criminal costs fee collected under this section, the clerk shall collect from the defendant the following fees if they are required under IC 33-19-6:

(1) A document fee.

(2) A marijuana eradication program fee.

(3) An alcohol and drug services program user fee.

(4) A law enforcement continuing education program fee.

(5) A drug abuse, prosecution, interdiction, and correction fee.

(6) An alcohol and drug countermeasures fee.

(7) A child abuse prevention fee.

(8) A domestic violence prevention and treatment fee.

(9) A highway work zone fee.

(10) A deferred prosecution fee (IC 33-19-6-16.2).

(11) A document storage fee (IC 33-19-6-18.1).

(12) An automated record keeping fee (IC 33-19-6-19).

(13) A late payment fee (IC 33-19-6-20).

(14) A sexual assault victims assistance fee (IC 33-19-6-21).

**(15) A judicial administration fee (IC 33-19-6-19.3).**

(c) Instead of the criminal costs fee prescribed by this section, the clerk shall collect a pretrial diversion program fee if an agreement between the prosecuting attorney and the accused person entered into under IC 33-14-1-7 requires payment of those fees by the accused person. The pretrial diversion program fee is:

(1) an initial user's fee of fifty dollars (\$50); and

(2) a monthly user's fee of ten dollars (\$10) for each month that the person remains in the pretrial diversion program.

(d) The clerk shall transfer to the county auditor or city or town fiscal officer the following fees, within thirty (30) days after they are collected, for deposit by the auditor or fiscal officer in the appropriate user fee fund established under IC 33-19-8:

(1) The pretrial diversion fee.

(2) The marijuana eradication program fee.

(3) The alcohol and drug services program user fee.

(4) The law enforcement continuing education program fee.

(e) Unless otherwise directed by a court, if a clerk collects only part of a criminal costs fee from a defendant under this section, the clerk shall distribute the partial payment of the criminal costs fee as follows:

(1) First, the clerk shall apply the partial payment to general court costs.

(2) Second, if there is money remaining after the partial payment is applied to general court costs under subdivision (1), the clerk shall distribute the partial payment for deposit in the appropriate county user fee fund.

(3) Third, if there is money remaining after distribution under subdivision (2), the clerk shall distribute the partial payment for deposit in the state user fee fund.

(4) Fourth, if there is money remaining after distribution under subdivision (3), the clerk shall distribute the partial payment to any other applicable user fee fund.

(5) Fifth, if there is money remaining after distribution under subdivision (4), the clerk shall apply the partial payment to any outstanding fines owed by the defendant.

SECTION 4. IC 33-19-5-2, AS AMENDED BY P.L.1-2002, SECTION 134, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 2. (a) Except as provided in subsections (d) and (e), for each action that results in a judgment:

(1) for a violation constituting an infraction; or

(2) for a violation of an ordinance of a municipal corporation (as defined in IC 36-1-2-10);

the clerk shall collect from the defendant an infraction or ordinance violation costs fee of seventy dollars (\$70).

(b) In addition to the infraction or ordinance violation costs fee collected under this section, the clerk shall collect from the defendant the following fees if they are required under IC 33-19-6:

(1) A document fee (IC 33-19-6-1, IC 33-19-6-2, IC 33-19-6-3).

(2) An alcohol and drug services program user fee (IC 33-19-6-7(b)).

(3) A law enforcement continuing education program fee (IC 33-19-6-7(c)).

(4) An alcohol and drug countermeasures fee (IC 33-19-6-10).

(5) A highway work zone fee (IC 33-19-6-14).

(6) A deferred prosecution fee (IC 33-19-6-16.2).

(7) A jury fee (IC 33-19-6-17).

(8) A document storage fee (IC 33-19-6-18.1).

(9) An automated record keeping fee (IC 33-19-6-19).

(10) A late payment fee (IC 33-19-6-20).

**(11) A judicial administration fee (IC 33-19-6-19.3).**

(c) The clerk shall transfer to the county auditor or fiscal officer of the municipal corporation the following fees, within thirty (30) days after they are collected, for deposit by the auditor or fiscal officer in the user fee fund established under IC 33-19-8:

(1) The alcohol and drug services program user fee.

(2) The law enforcement continuing education program fee.

(3) The deferral program fee.

(d) The defendant is not liable for any ordinance violation costs fee in an action in which:

(1) the defendant was charged with an ordinance violation subject to IC 33-6-3;

(2) the defendant denied the violation under IC 33-6-3-2;

(3) proceedings in court against the defendant were initiated under IC 34-28-5 (or IC 34-4-32 before its repeal); and

(4) the defendant was tried and the court entered judgment for the defendant for the violation.

(e) Instead of the infraction or ordinance violation costs fee prescribed by subsection (a), the clerk shall collect a deferral program fee if an agreement between a prosecuting attorney or an attorney for a municipal corporation and the person charged with a violation entered into under IC 34-28-5-1 (or IC 34-4-32-1 before its repeal)



requires payment of those fees by the person charged with the violation. The deferral program fee is:

- (1) an initial user's fee not to exceed fifty-two dollars (\$52); and
- (2) a monthly user's fee not to exceed ten dollars (\$10) for each month the person remains in the deferral program.

SECTION 4. IC 33-19-5-3, AS AMENDED BY P.L.1-2002, SECTION 135, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 3. (a) For each action filed under:

- (1) IC 31-34 or IC 31-37 (delinquent children and children in need of services); or
- (2) IC 31-14 (paternity);

the clerk shall collect a juvenile costs fee of one hundred twenty dollars (\$120).

(b) In addition to the juvenile costs fee collected under this section, the clerk shall collect the following fees if they are required under IC 33-19-6:

- (1) A document fee.
- (2) A marijuana eradication program fee.
- (3) An alcohol and drug services program user fee.
- (4) A law enforcement continuing education program fee.
- (5) An alcohol and drug countermeasures fee.
- (6) A document storage fee (IC 33-19-6-18.1).
- (7) An automated record keeping fee (IC 33-19-6-19).
- (8) A late payment fee (IC 33-19-6-20).
- (9) A judicial administration fee (IC 33-19-6-19.3).**

(c) The clerk shall transfer to the county auditor or city or town fiscal officer the following fees, within thirty (30) days after they are collected, for deposit by the auditor or fiscal officer in the appropriate user fee fund established under IC 33-19-8:

- (1) The marijuana eradication program fee.
- (2) The alcohol and drug services program user fee.
- (3) The law enforcement continuing education program fee.

SECTION 5. IC 33-19-5-4, AS AMENDED BY P.L.1-2002, SECTION 136, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 4. (a) For each civil action except:

- (1) proceedings to enforce a statute defining an infraction under IC 34-28-5-4 (or IC 34-4-32-4 before its repeal);
- (2) proceedings to enforce an ordinance under IC 34-28-5-4 (or IC 34-4-32-4 before its repeal);
- (3) proceedings in juvenile court under IC 31-34 or IC 31-37;
- (4) proceedings in paternity under IC 31-14;
- (5) proceedings in small claims court under IC 33-11.6; and
- (6) proceedings in actions under section 6 of this chapter;

the clerk shall collect from the party filing the action a civil costs fee of one hundred dollars (\$100).

(b) In addition to the civil costs fee collected under this section, the clerk shall collect the following fees if they are required under IC 33-19-6:

- (1) A document fee.
- (2) A support and maintenance fee.
- (3) A document storage fee (IC 33-19-6-18.1).
- (4) An automated record keeping fee (IC 33-19-6-19).
- (5) A judicial administration fee (IC 33-19-6-19.3).**

SECTION 6. IC 33-19-5-5, AS AMENDED BY P.L.167-2003, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. (a) For each small claims action the clerk shall collect from the party filing the action a:

- (1) small claims costs fee of thirty-five dollars (\$35); and
- (2) small claims service fee of five dollars (\$5) for each defendant named or added in the small claims action.

However, a clerk may not collect a small claims costs fee or small claims service fee for a small claims action filed by or on behalf of the attorney general.

(b) In addition to a small claims costs fee and small claims service fee collected under this section, the clerk shall collect the following fees if they are required under IC 33-19-6:

- (1) A document fee.
- (2) A document storage fee (IC 33-19-6-18.1).
- (3) An automated record keeping fee (IC 33-19-6-19).
- (4) A judicial administration fee (IC 33-19-6-19.3).**

SECTION 7. IC 33-19-5-6, AS AMENDED BY P.L.1-2002, SECTION 138, IS AMENDED TO READ AS FOLLOWS

[EFFECTIVE JULY 1, 2004]: Sec. 6. (a) Except as provided under subsection (c), for each action filed under:

- (1) IC 6-4.1-5 (determination of inheritance tax);
- (2) IC 29 (probate); and
- (3) IC 30 (trusts and fiduciaries);

the clerk shall collect from the party filing the action a probate costs fee of one hundred twenty dollars (\$120).

(b) In addition to the probate costs fee collected under this section, the clerk shall collect from the party filing the action the following fees if they are required under IC 33-19-6:

- (1) A document fee.
- (2) A document storage fee (IC 33-19-6-18.1).
- (3) An automated record keeping fee (IC 33-19-6-19).
- (4) A judicial administration fee (IC 33-19-6-19.3).**

(c) A clerk may not collect a court costs fee for the filing of the following exempted actions:

- (1) Petition to open a safety deposit box.
- (2) Filing an inheritance tax return, unless proceedings other than the court's approval of the return become necessary.
- (3) Offering a will for probate under IC 29-1-7, unless proceedings other than admitting the will to probate become necessary.

SECTION 8. IC 33-19-6-19.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: **Sec. 19.3. (a) This subsection does not apply to the following:**

- (1) A criminal proceeding.**
- (2) A proceeding for an infraction violation.**
- (3) A proceeding for an ordinance violation.**

**In each action filed in a court described in IC 33-19-1-1, the clerk shall collect a judicial administration fee of one dollar (\$1) during the period beginning July 1, 2004, and ending June 30, 2005, and two dollars (\$2) after June 30, 2005.**

**(b) In each action in which a person is:**

- (1) convicted of an offense;**
- (2) required to pay a pretrial diversion fee;**
- (3) found to have violated an infraction; or**
- (4) found to have violated an ordinance;**

**the clerk shall collect a judicial administration fee of one dollar (\$1) during the period beginning July 1, 2004, and ending June 30, 2005, and two dollars (\$2) after June 30, 2005.**

SECTION 9. IC 33-19-7-1, AS AMENDED BY P.L.167-2003, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. (a) The clerk of a circuit court shall semiannually distribute to the auditor of state as the state share for deposit in the state general fund seventy percent (70%) of the amount of fees collected under the following:

- (1) IC 33-19-5-1(a) (criminal costs fees).
- (2) IC 33-19-5-2(a) (infraction or ordinance violation costs fees).
- (3) IC 33-19-5-3(a) (juvenile costs fees).
- (4) IC 33-19-5-4(a) (civil costs fees).
- (5) IC 33-19-5-5(a)(1) (small claims costs fees).
- (6) IC 33-19-5-6(a) (probate costs fees).
- (7) IC 33-19-6-16.2 (deferred prosecution fees).

(b) The clerk of a circuit court shall semiannually distribute to the auditor of state for deposit in the state user fee fund established under IC 33-19-9-2 the following:

- (1) Twenty-five percent (25%) of the drug abuse, prosecution, interdiction, and correction fees collected under IC 33-19-5-1(b)(5).
- (2) Twenty-five percent (25%) of the alcohol and drug countermeasures fees collected under IC 33-19-5-1(b)(6), IC 33-19-5-2(b)(4), and IC 33-19-5-3(b)(5).
- (3) Fifty percent (50%) of the child abuse prevention fees collected under IC 33-19-5-1(b)(7).
- (4) One hundred percent (100%) of the domestic violence prevention and treatment fees collected under IC 33-19-5-1(b)(8).
- (5) One hundred percent (100%) of the highway work zone fees collected under IC 33-19-5-1(b)(9) and IC 33-19-5-2(b)(5).
- (6) One hundred percent (100%) of the safe schools fee collected under IC 33-19-6-16.3.

(7) One hundred percent (100%) of the automated record keeping fee (IC 33-19-6-19).

(c) The clerk of a circuit court shall monthly distribute to the county auditor the following:

(1) Seventy-five percent (75%) of the drug abuse, prosecution, interdiction, and correction fees collected under IC 33-19-5-1(b)(5).

(2) Seventy-five percent (75%) of the alcohol and drug countermeasures fees collected under IC 33-19-5-1(b)(6), IC 33-19-5-2(b)(4), and IC 33-19-5-3(b)(5).

The county auditor shall deposit fees distributed by a clerk under this subsection into the county drug free community fund established under IC 5-2-11.

(d) The clerk of a circuit court shall monthly distribute to the county auditor fifty percent (50%) of the child abuse prevention fees collected under IC 33-19-5-1(b)(8). The county auditor shall deposit fees distributed by a clerk under this subsection into the county child advocacy fund established under IC 12-17-17.

(e) The clerk of a circuit court shall monthly distribute to the county auditor one hundred percent (100%) of the late payment fees collected under IC 33-19-6-20. The county auditor shall deposit fees distributed by a clerk under this subsection as follows:

(1) If directed to do so by an ordinance adopted by the county fiscal body, the county auditor shall deposit forty percent (40%) of the fees in the clerk's record perpetuation fund established under IC 33-19-6-1.5 and sixty percent (60%) of the fees in the county general fund.

(2) If the county fiscal body has not adopted an ordinance under subdivision (1), the county auditor shall deposit all the fees in the county general fund.

(f) The clerk of the circuit court shall semiannually distribute to the auditor of state for deposit in the sexual assault victims assistance fund established under IC 16-19-13-6 one hundred percent (100%) of the sexual assault victims assistance fees collected under IC 33-19-6-21.

(g) The clerk of a circuit court shall monthly distribute to the county auditor the following:

(1) One hundred percent (100%) of the support and maintenance fees for cases designated as non-Title IV-D child support cases in the Indiana support enforcement tracking system (ISETS) collected under IC 33-19-6-5.

(2) The percentage share of the support and maintenance fees for cases designated as IV-D child support cases in ISETS collected under IC 33-19-6-5 that is reimbursable to the county at the federal financial participation rate.

The county clerk shall monthly distribute to the office of the secretary of family and social services the percentage share of the support and maintenance fees for cases designated as Title IV-D child support cases in ISETS collected under IC 33-19-6-5 that is not reimbursable to the county at the applicable federal financial participation rate.

(h) The clerk of a circuit court shall monthly distribute to the county auditor one hundred percent (100%) of the small claims service fee under IC 33-19-5-5(a)(2) for deposit in the county general fund.

**(i) The clerk of a circuit court shall semiannually distribute to the auditor of state for deposit in the state general fund one hundred percent (100%) of the judicial administration fee collected under IC 33-19-6-19.3.**

SECTION 10. IC 33-19-7-4, AS AMENDED BY P.L.167-2003, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. (a) The clerk of a city or town court shall semiannually distribute to the auditor of state as the state share for deposit in the state general fund fifty-five percent (55%) of the amount of fees collected under the following:

(1) IC 33-19-5-1(a) (criminal costs fees).

(2) IC 33-19-5-2(a) (infraction or ordinance violation costs fees).

(3) IC 33-19-5-4(a) (civil costs fees).

(4) IC 33-19-5-5(a)(1) (small claims costs fees).

(5) IC 33-19-6-16.2 (deferred prosecution fees).

(b) Once each month the city or town fiscal officer shall distribute to the county auditor as the county share twenty percent (20%) of the amount of fees collected under the following:

(1) IC 33-19-5-1(a) (criminal costs fees).

(2) IC 33-19-5-2(a) (infraction or ordinance violation costs fees).

(3) IC 33-19-5-4(a) (civil costs fees).

(4) IC 33-19-5-5(a)(1) (small claims costs fees).

(5) IC 33-19-6-16.2 (deferred prosecution fees).

(c) The city or town fiscal officer shall retain twenty-five percent (25%) as the city or town share of the fees collected under the following:

(1) IC 33-19-5-1(a) (criminal costs fees).

(2) IC 33-19-5-2(a) (infraction or ordinance violation costs fees).

(3) IC 33-19-5-4(a) (civil costs fees).

(4) IC 33-19-5-5(a)(1) (small claims costs fees).

(5) IC 33-19-6-16.2 (deferred prosecution fees).

(d) The clerk of a city or town court shall semiannually distribute to the auditor of state for deposit in the state user fee fund established under IC 33-19-9 the following:

(1) Twenty-five percent (25%) of the drug abuse, prosecution, interdiction, and corrections fees collected under IC 33-19-5-1(b)(5).

(2) Twenty-five percent (25%) of the alcohol and drug countermeasures fees collected under IC 33-19-5-1(b)(6), IC 33-19-5-2(b)(4), and IC 33-19-5-3(b)(5).

(3) One hundred percent (100%) of the highway work zone fees collected under IC 33-19-5-1(b)(9) and IC 33-19-5-2(b)(5).

(4) One hundred percent (100%) of the safe schools fee collected under IC 33-19-6-16.3.

(5) One hundred percent (100%) of the automated record keeping fee (IC 33-19-6-19).

(e) The clerk of a city or town court shall monthly distribute to the county auditor the following:

(1) Seventy-five percent (75%) of the drug abuse, prosecution, interdiction, and corrections fees collected under IC 33-19-5-1(b)(5).

(2) Seventy-five percent (75%) of the alcohol and drug countermeasures fees collected under IC 33-19-5-1(b)(6), IC 33-19-5-2(b)(4), and IC 33-19-5-3(b)(5).

The county auditor shall deposit fees distributed by a clerk under this subsection into the county drug free community fund established under IC 5-2-11.

(f) The clerk of a city or town court shall distribute monthly to the city or town fiscal officer (as defined in IC 36-1-2-7) one hundred percent (100%) of the late payment fees collected under IC 33-19-6-20. The city or town fiscal officer (as defined in IC 36-1-2-7) shall deposit fees distributed by a clerk under this subsection in the city or town general fund.

**(g) The clerk of a city or town court shall semiannually distribute to the auditor of state for deposit in the state general fund one hundred percent (100%) of the judicial administration fee collected under IC 33-19-6-19.3.**

SECTION 11. IC 33-19-7-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 5. (a) On June 30 and on December 31 of each year, the auditor of state shall transfer to the treasurer of state six million seven hundred four thousand two hundred fifty-seven dollars (\$6,704,257) for distribution under subsection (b).

(b) On June 30 and on December 31 of each year the treasurer of state shall deposit into:

(1) the family violence and victim assistance fund established under IC 12-18-5-2 an amount equal to eleven and eight-hundredths percent (11.08%);

(2) the Indiana judges' retirement fund established under IC 33-13-8 an amount equal to twenty-five and twenty-one hundredths percent (25.21%);

(3) the law enforcement academy building fund established under IC 5-2-1-13 an amount equal to three and fifty-two hundredths percent (3.52%);

(4) the law enforcement training fund established under IC 5-2-1-13 an amount equal to fourteen and nineteen-hundredths percent (14.19%);

(5) the violent crime victims compensation fund established under IC 5-2-6.1-40 an amount equal to sixteen and

fifty-hundredths percent (16.50%);

(6) the motor vehicle highway account an amount equal to twenty-six and ninety-five hundredths percent (26.95%);

(7) the fish and wildlife fund established by IC 14-22-3-2 an amount equal to thirty-two hundredths of one percent (0.32%); and

(8) the Indiana judicial center drug and alcohol programs fund established under IC 12-23-14-17 for the administration, certification, and support of alcohol and drug services programs under IC 12-23-14 an amount equal to two and twenty-three hundredths percent (2.23%);

of the amount transferred by the auditor of state under subsection (a).

(c) On June 30 and on December 31 of each year the auditor of state shall transfer to the treasurer of state:

**(1) after June 30, 2004, and before July 1, 2005, one million two seven hundred thousand dollars (\$1,200,000) (\$1,700,000) for deposit into the public defense fund established under IC 33-9-14; and**

**(2) after June 30, 2005, two million two hundred thousand dollars (\$2,200,000).**

**SECTION 12. [EFFECTIVE JULY 1, 2004] (a) In addition to a small claims costs fee and small claims service fee collected under IC 33-19-5-5, as in effect on July 1, 2004, the circuit court clerk shall collect a judicial administration fee under IC 33-19-6-19.3, as added by this act, if the judicial administration fee is required to be collected under IC 33-19-6.**

**(b) This SECTION expires July 1, 2005.**

**SECTION 13. [EFFECTIVE JULY 1, 2004] (a) A circuit court clerk shall semiannually distribute to the auditor of state for deposit in the state general fund one hundred percent (100%) of the judicial administration fee collected under IC 33-19-6-19.3.**

**(b) The clerk of a city or town court shall semiannually distribute to the auditor of state for deposit in the state general fund one hundred percent (100%) of the judicial administration fee collected under IC 33-19-6-19.3.**

**(c) This SECTION expires July 1, 2005."**

Renumber all SECTIONS consecutively.

(Reference is to SB 409 as printed January 30, 2004.)

and when so amended that said bill do pass.

Committee Vote: yeas 22, nays 3.

CRAWFORD, Chair

Report adopted.

## ENGROSSED SENATE BILLS ON SECOND READING

The following bills were called down by their respective sponsors, were read a second time by title, and, there being no amendments, were ordered engrossed: Engrossed Senate Bills 41, 42, 83, 86, 133, 188, 363, and 493.

### Engrossed Senate Bill 72

Representative Mahern called down Engrossed Senate Bill 72 for second reading. The bill was read a second time by title.

#### HOUSE MOTION (Amendment 72-2)

Mr. Speaker: I move that Engrossed Senate Bill 72 be amended to read as follows:

Page 43, delete lines 38 through 40, begin a new paragraph and insert:

**"(c) The vacancy shall be filled as follows:**

**(1) The remaining members of the body shall fill the vacancy by a majority of the votes of the remaining members of the body.**

**(2) If there are no remaining members of the body, the county executive of the county containing the greatest percentage of the population of the political subdivision shall fill the vacancy in the manner provided by section 2 of this chapter."**

(Reference is to ESB 72 as printed February 13, 2004.)

THOMPSON

Motion prevailed.

#### HOUSE MOTION (Amendment 72-3)

Mr. Speaker: I move that Engrossed Senate Bill 72 be amended to read as follows:

Page 50, between lines 33 and 34, begin a new paragraph and insert:

**"SECTION 77. IC 36-4-3-5, AS AMENDED BY P.L.173-2003, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 5. (a) If the owners of land located outside of but contiguous to a municipality want to have territory containing that land annexed to the municipality, they may file with the legislative body of the municipality a petition:**

**(1) signed by at least:**

**(A) fifty-one percent (51%) of the owners of land in the territory sought to be annexed; or**

**(B) the owners of seventy-five percent (75%) of the total assessed value of the land for property tax purposes; and**

**(2) requesting an ordinance annexing the area described in the petition.**

**(b) The petition circulated by the landowners must include on each page where signatures are affixed a heading that is substantially similar to the following:**

**"PETITION FOR ANNEXATION INTO THE (insert whether city or town) OF (insert name of city or town)."**

**(c) Except as provided in section 5.1 of this chapter, if the legislative body fails to pass the ordinance within one hundred fifty (150) days after the date of filing of a petition under subsection (a), the petitioners may file a duplicate copy of the petition in the circuit or superior court of a county in which the territory is located, and shall include a written statement of why the annexation should take place. Notice of the proceedings, in the form of a summons, shall be served on the municipality named in the petition. The municipality is the defendant in the cause and shall appear and answer.**

**(d) Except as provided in subsection (c), the court shall hear and determine the petition without a jury, and shall order the proposed annexation to take place only if the evidence introduced by the parties establishes that:**

**(1) essential municipal services and facilities are not available to the residents of the territory sought to be annexed;**

**(2) the municipality is physically and financially able to provide municipal services to the territory sought to be annexed;**

**(3) the population density of the territory sought to be annexed is at least three (3) persons per acre; and**

**(4) the territory sought to be annexed is contiguous to the municipality.**

**If the evidence does not establish all four (4) of the preceding factors, the court shall deny the petition and dismiss the proceeding.**

**(e) This subsection applies to an annexation of territory if at least fifty percent (50%) of the external boundaries of the territory (without considering any part of the territory's boundary that is contiguous to a county boundary) are contiguous to the boundaries of the annexing municipality. The court shall hear and determine the petition without a jury and shall order the proposed annexation to take place only if the evidence introduced by the parties establishes that:**

**(1) the municipality is physically and financially able to provide municipal services to the territory sought to be annexed;**

**(2) the population density of the territory sought to be annexed is at least three (3) persons per acre; and**

**(3) the territory sought to be annexed is contiguous to the municipality.**

**If the evidence does not establish all the factors described in subdivisions (1) through (3), the court shall deny the petition and dismiss the proceeding.**

**(f) This subsection does not apply to a town that has abolished town legislative body districts under IC 36-5-2-4.1. An ordinance adopted under this section must assign the territory annexed by the ordinance to at least one (1) municipal legislative body district.**

**SECTION 2. IC 36-4-3-11, AS AMENDED BY P.L.173-2003, SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 11. (a) Except as provided in section 5.1(i) of this chapter and subsection (d), whenever territory is**

annexed by a municipality under this chapter, the annexation may be appealed by filing with the circuit or superior court of a county in which the annexed territory is located a written remonstrance signed by:

- (1) at least:
  - (A) sixty-five percent (65%) of the owners of land in the annexed territory; or
  - (B) fifty-one percent (51%) of the owners of land in the annexed territory, if the annexing municipality is in a county contiguous to a county containing a consolidated city; or**
- (2) the owners of more than:
  - (A) seventy-five percent (75%) in assessed valuation of the land in the annexed territory; or
  - (B) sixty percent (60%) in assessed valuation of the land in the annexed territory, if the annexing municipality is in a county contiguous to a county containing a consolidated city.**

The remonstrance must be filed within ninety (90) days after the publication of the annexation ordinance under section 7 of this chapter, must be accompanied by a copy of that ordinance, and must state the reason why the annexation should not take place.

(b) On receipt of the remonstrance, the court shall determine whether the remonstrance has the necessary signatures. In determining the total number of landowners of the annexed territory and whether signers of the remonstrance are landowners, the names appearing on the tax duplicate for that territory constitute prima facie evidence of ownership. Only one (1) person having an interest in each single property, as evidenced by the tax duplicate, is considered a landowner for purposes of this section.

(c) If the court determines that the remonstrance is sufficient, it shall fix a time, within sixty (60) days of its determination, for a hearing on the remonstrance. Notice of the proceedings, in the form of a summons, shall be served on the annexing municipality. The municipality is the defendant in the cause and shall appear and answer.

(d) If an annexation is initiated by property owners under section 5.1 of this chapter and all property owners within the area to be annexed petition the municipality to be annexed, a remonstrance to the annexation may not be filed under this section.

SECTION 3. IC 36-4-3-13, AS AMENDED BY P.L.173-2003, SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 13. (a) Except as provided in subsections (e) and (g), at the hearing under section 12 of this chapter, the court shall order a proposed annexation to take place if the following requirements are met:

- (1) The requirements of either subsection (b) or (c).
  - (2) The requirements of subsection (d).
- (b) The requirements of this subsection are met if the evidence establishes the following:
- (1) That the territory sought to be annexed is contiguous to the municipality.
  - (2) One (1) of the following:
    - (A) The resident population density of the territory sought to be annexed is at least three (3) persons per acre.
    - (B) Sixty percent (60%) of the territory is subdivided.
    - (C) The territory is zoned for commercial, business, or industrial uses.
- (c) The requirements of this subsection are met if the evidence establishes the following:
- (1) That the territory sought to be annexed is contiguous to the municipality as required by section 1.5 of this chapter, except that at least one-fourth (1/4), instead of one-eighth (1/8), of the aggregate external boundaries of the territory sought to be annexed must coincide with the boundaries of the municipality.
  - (2) That the territory sought to be annexed is needed and can be used by the municipality for its development in the reasonably near future.
- (d) The requirements of this subsection are met if the evidence establishes that the municipality has developed and adopted a written fiscal plan and has established a definite policy, by resolution of the legislative body as set forth in section 3.1 of this chapter. The fiscal plan must show the following:

(1) The cost estimates of planned services to be furnished to the territory to be annexed. The plan must present itemized estimated costs for each municipal department or agency.

(2) The method or methods of financing the planned services. The plan must explain how specific and detailed expenses will be funded and must indicate the taxes, grants, and other funding to be used.

(3) The plan for the organization and extension of services. The plan must detail the specific services that will be provided and the dates the services will begin.

(4) That planned services of a noncapital nature, including police protection, fire protection, street and road maintenance, and other noncapital services normally provided within the corporate boundaries, will be provided to the annexed territory within one (1) year after the effective date of annexation and that they will be provided in a manner equivalent in standard and scope to those noncapital services provided to areas within the corporate boundaries regardless of similar topography, patterns of land use, and population density.

(5) That services of a capital improvement nature, including street construction, street lighting, sewer facilities, water facilities, and stormwater drainage facilities, will be provided to the annexed territory within three (3) years after the effective date of the annexation in the same manner as those services are provided to areas within the corporate boundaries, regardless of similar topography, patterns of land use, and population density, and in a manner consistent with federal, state, and local laws, procedures, and planning criteria.

(e) At the hearing under section 12 of this chapter, the court shall do the following:

(1) Consider evidence on the conditions listed in subdivision (2).

(2) Order a proposed annexation not to take place if the court finds that all of the following conditions exist in the territory proposed to be annexed:

(A) The following services are adequately furnished by a provider other than the municipality seeking the annexation:

(i) Police and fire protection.

(ii) Street and road maintenance.

(B) The annexation will have a significant financial impact on the residents or owners of land.

(C) The annexation is not in the best interests of the owners of land in the territory proposed to be annexed as set forth in subsection (f).

**(D) ~~One (1) of the following opposes~~ A sufficient number of landowners oppose the annexation as follows:**

**(i) At least sixty-five percent (65%) of the owners of land in the territory proposed to be annexed ~~or~~ oppose the annexation or the owners of more than seventy-five percent (75%) in assessed valuation of the land in the territory proposed to be annexed oppose the annexation.**

**(ii) If the annexing municipality is located in a county contiguous to a county containing a consolidated city, at least fifty-one percent (51%) of the owners of land in the territory proposed to be annexed oppose the annexation or the owners of more than sixty percent (60%) in assessed valuation of the land in the territory proposed to be annexed oppose the annexation.**

Evidence of opposition may be expressed by any owner of land in the territory proposed to be annexed.

(f) The municipality under subsection (e)(2)(C) bears the burden of proving that the annexation is in the best interests of the owners of land in the territory proposed to be annexed. In determining this issue, the court may consider whether the municipality has extended sewer or water services to the entire territory to be annexed:

(1) within the three (3) years preceding the date of the introduction of the annexation ordinance; or

(2) under a contract in lieu of annexation entered into under IC 36-4-3-21.

The court may not consider the provision of water services as a result of an order by the Indiana utility regulatory commission to constitute the provision of water services to the territory to be annexed.

(g) This subsection applies only to cities located in a county having

a population of more than two hundred thousand (200,000) but less than three hundred thousand (300,000). However, this subsection does not apply if on April 1, 1993, the entire boundary of the territory that is proposed to be annexed was contiguous to territory that was within the boundaries of one (1) or more municipalities. At the hearing under section 12 of this chapter, the court shall do the following:

- (1) Consider evidence on the conditions listed in subdivision (2).
  - (2) Order a proposed annexation not to take place if the court finds that all of the following conditions exist in the territory proposed to be annexed:
    - (A) The following services are adequately furnished by a provider other than the municipality seeking the annexation:
      - (i) Police and fire protection.
      - (ii) Street and road maintenance.
    - (B) The annexation will have a significant financial impact on the residents or owners of land.
    - (C) One (1) of the following opposes the annexation:
      - (i) A majority of the owners of land in the territory proposed to be annexed.
      - (ii) The owners of more than seventy-five percent (75%) in assessed valuation of the land in the territory proposed to be annexed.
- Evidence of opposition may be expressed by any owner of land in the territory proposed to be annexed.
- (h) The most recent:
    - (1) federal decennial census;
    - (2) federal special census;
    - (3) special tabulation; or
    - (4) corrected population count;
- shall be used as evidence of resident population density for purposes of subsection (b)(2)(A), but this evidence may be rebutted by other evidence of population density."

Renumber all SECTIONS consecutively.

(Reference is to ESB 72 as printed February 13, 2004.)

AUSTIN

Representative Whetstone rose to a point of order, citing Rule 80, stating that the motion was not germane to the bill. The Speaker ruled the point was not well taken.

The question was on the motion of Representative Austin. Upon request of Representatives Richardson and Bosma, the Speaker ordered the roll of the House to be called. Roll Call 203: yeas 56, nays 31. Motion prevailed.

#### HOUSE MOTION (Amendment 72-1)

Mr. Speaker: I move that Engrossed Senate Bill 72 be amended to read as follows:

Page 6, after line 42, begin a new paragraph and insert:

"SECTION 16. IC 3-8-2-2.2, AS AMENDED BY P.L.26-2000, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 2.2. (a) A candidate for a school board office must file a petition of nomination in accordance with IC 3-8-6 and as required under IC 20-3 or IC 20-4. The petition of nomination, once filed, serves as the candidate's declaration of candidacy for a school board office.

(b) A candidate for a school board office is not required to file a statement of organization for the candidate's principal committee by noon seven (7) days after the final date for filing a petition of nomination or declaration of intent to be a write-in candidate unless the candidate has received contributions or made expenditures requiring the filing of a statement under IC 3-9-1-5.5.

(c) **This section applies only before January 1, 2006.**

SECTION 17. IC 3-8-2-15, AS AMENDED BY P.L.176-1999, SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 15. (a) A person who files a declaration of candidacy for an elected office for which a per diem or salary is provided for by law is disqualified from filing a declaration of candidacy for another office for which a per diem or salary is provided for by law until the original declaration is withdrawn.

(b) A person may file both:

- (1) a declaration of candidacy under this chapter for nomination to a federal or state office; and
- (2) a written request under IC 3-8-3-1 that the person's name be placed on the ballot in a primary election as a candidate for nomination for the office of President of the United States.

(c) **This subsection applies only before January 1, 2006.** A person may not file:

- (1) a declaration of candidacy for a nomination; and
- (2) a petition of nomination or declaration of intent to be a write-in candidate for a school board office that is elected at the same time as the primary election.

If a person files both a declaration of candidacy and a petition of nomination described in this subsection, the matter shall be referred to the county election board under section ~~18~~ **14(b)** of this chapter. The board shall determine which document was most recently filed and shall consider the previously filed document to have been withdrawn.

SECTION 18. IC 3-8-2-19, AS AMENDED BY P.L.38-1999, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 19. (a) Upon receipt of the certified list under section 17 of this chapter, a county election board shall immediately compile under the proper political party designation the following:

- (1) The title of each office.
- (2) The name of each individual who has filed a request to be placed on the presidential primary ballot.
- (3) The names and addresses of all persons for whom declarations of candidacy have been filed for nomination to an office on the primary election ballot.
- (4) **This subdivision applies only before January 1, 2006.** The names and addresses of all persons who have filed a petition of nomination for election to a school board office to be chosen at the same time as the primary election.
- (5) The text of any public question to be placed on the ballot.
- (6) The date of the primary election.
- (7) The hours during which the polls will be open.

(b) The county election board shall do the following:

- (1) Publish the information described in subsection (a) before the primary election in accordance with IC 5-3-1.
- (2) File a copy of the information described in subsection (a):
  - (A) with the election division; and
  - (B) in the minutes of the county election board.

(c) The county election board shall file the copies required under subsection (b)(2) not later than noon, ten (10) days before election day.

(d) An election is not invalidated by the failure of the board to comply with this section.

(e) If the county election board receives an amendment from the election division under section 17 of this chapter after:

- (1) compilation of the information described in subsection (a) has occurred; or
- (2) the board determines that it is impractical to recompile completely revised information;

the board is only required to file a copy of the amendment with the minutes of the board.

SECTION 19. IC 3-8-2.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]:

#### **Chapter 2.5. Declaration of Candidacy for School Board Office**

**Sec. 1. This chapter applies after December 31, 2005, to a candidate for a school board office.**

**Sec. 2. (a) A candidate for a school board office must file a petition of nomination in accordance with IC 3-8-6 and as required under IC 20-3 or IC 20-4. The petition of nomination, once filed, serves as the candidate's declaration of candidacy for a school board office.**

**(b) A candidate for a school board office is not required to file a statement of organization for the candidate's principal committee by noon seven (7) days after the final date for filing a petition of nomination or declaration of intent to be a write-in candidate unless the candidate has received contributions or made expenditures requiring the filing of a statement under**

**IC 3-9-1-5.5.**

**Sec. 3. A declaration of candidacy for a school board office must be filed not later than noon seventy-four (74) days before the general election. The declaration must be subscribed and sworn to before a person authorized to administer oaths.**

**Sec. 4. A declaration of intent to be a write-in candidate for a school board office must be filed not later than noon five (5) days before the final date for the delivery of absentee ballots under IC 3-11-4-15 and not earlier than ninety (90) days before a general election. The declaration must be subscribed and sworn to before a person authorized to administer oaths."**

Page 10, between lines 33 and 34, begin a new paragraph and insert:

"SECTION 24. IC 3-8-6-14, AS AMENDED BY P.L.66-2003, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 14. (a) A person may not be selected as a candidate by petition of nomination without giving written consent and having it filed with the public official with whom certificates and petitions of nomination are required to be filed.

(b) Each candidate nominated by petition of nomination must satisfy all statutory eligibility requirements for the office for which the candidate is nominated, including the filing of statements of economic interest.

(c) All questions concerning the validity of a petition of nomination filed with the secretary of state or contesting the denial of certification under section 12(d) of this chapter shall be referred to and determined by the commission. A statement questioning the validity of a petition of nomination or contesting the denial of certification under section 12(d) of this chapter must be filed with the election division under IC 3-8-1-2(c) or IC 3-8-1-2(e) not later than noon seventy-four (74) days before the date on which the general or municipal election will be held for the office.

(d) All questions concerning the validity of a petition of nomination filed with a circuit court clerk or contesting the denial of certification under section 12(d) of this chapter shall be referred to and determined by the county election board. A statement questioning the validity of a petition of nomination or contesting the denial of certification under section 12(d) of this chapter must be filed with the county election board under IC 3-8-1-2(c) or IC 3-8-1-2(e) not later than noon seventy-four (74) days before the date on which the general or municipal election will be held for the office.

(e) **This subsection applies only before January 1, 2006.** This subsection does not apply to a petition of nomination for election to a school board office subject to IC 3-8-2-14. The commission or a county election board shall rule on the validity of the petition of nomination or the denial of certification under section 12(d) of this chapter not later than noon sixty (60) days before the date on which the general or municipal election will be held for the office.

(f) **This subsection applies only before January 1, 2006.** This subsection applies to a petition of nomination for election to a school board office elected in a general election. All questions concerning the validity of the petition of nomination shall be referred to and determined by the county election board not later than noon fifty-four (54) days before the date of the general election. A statement questioning the validity of a petition of nomination must be filed with the county election board under IC 3-8-1-2(c) not later than noon sixty-seven (67) days before the date of the general election.

(g) **This subsection applies after December 31, 2005.** This subsection does not apply to a petition of nomination for election to a school board office. The commission or a county election board shall rule on the validity of the petition of nomination or the denial of certification under section 12(d) of this chapter not later than noon sixty (60) days before the date on which the general or municipal election will be held for the office.

(h) **This subsection applies after December 31, 2005.** This subsection applies to a petition of nomination for election to a school board office. All questions concerning the validity of the petition of nomination shall be referred to and determined by the county election board not later than noon fifty-four (54) days before the date of the general election. A statement questioning the validity of a petition of nomination must be filed with the county election board under IC 3-8-1-2(c) not later than noon sixty-seven (67) days before the date of the general election."

Page 20, between lines 28 and 29, begin a new paragraph and insert:

"SECTION 32. IC 3-10-1-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 19. (a) The ballot for a primary election shall be printed in substantially the following form for all the offices for which candidates have qualified under IC 3-8:

**OFFICIAL PRIMARY BALLOT**

Party

To vote for a person make a voting mark (X or ✓) on or in the box before the person's name in the proper column.

Vote for one only

Representative in Congress

- |                                 |       |
|---------------------------------|-------|
| <input type="checkbox"/> (1) AB | _____ |
| <input type="checkbox"/> (2) CD | _____ |
| <input type="checkbox"/> (3) EF | _____ |
| <input type="checkbox"/> (4) GH | _____ |

(b) The offices with candidates for nomination shall be placed on the primary election ballot in the following order:

(1) Federal and state offices:

- (A) President of the United States.
- (B) United States Senator.
- (C) Governor.
- (D) United States Representative.

(2) Legislative offices:

- (A) State senator.
- (B) State representative.

(3) Circuit offices and county judicial offices:

- (A) Judge of the circuit court, and unless otherwise specified under IC 33, with each division separate if there is more than one (1) judge of the circuit court.
- (B) Judge of the superior court, and unless otherwise specified under IC 33, with each division separate if there is more than one (1) judge of the superior court.
- (C) Judge of the probate court.
- (D) Judge of the county court, with each division separate, as required by IC 33-10.5-4-2.
- (E) Prosecuting attorney.
- (F) Clerk of the circuit court.

(4) County offices:

- (A) County auditor.
- (B) County recorder.
- (C) County treasurer.
- (D) County sheriff.
- (E) County coroner.
- (F) County surveyor.
- (G) County assessor.
- (H) County commissioner.
- (I) County council member.

(5) Township offices:

- (A) Township assessor.
- (B) Township trustee.
- (C) Township board member.
- (D) Judge of the small claims court.
- (E) Constable of the small claims court.

(6) City offices:

- (A) Mayor.
- (B) Clerk or clerk-treasurer.
- (C) Judge of the city court.
- (D) City-county council member or common council member.

(7) Town offices:

- (A) Clerk-treasurer.
- (B) Judge of the town court.
- (C) Town council member.

(c) The political party offices with candidates for election shall be placed on the primary election ballot in the following order after the offices described in subsection (b):

- (1) Precinct committeeman.
- (2) State convention delegate.

(d) **This subsection applies only before January 1, 2006.** The following offices and public questions shall be placed on the primary election ballot in the following order after the offices described in subsection (c):



- (1) School board offices to be elected at the primary election.
- (2) Other local offices to be elected at the primary election.
- (3) Local public questions.

**(e) This subsection applies after December 31, 2005. The following offices and public questions shall be placed on the primary election ballot in the following order after the offices described in subsection (c):**

- (1) Other local offices to be elected at the primary election.**
- (2) Local public questions.**

**(f)** The offices and public questions described in subsection (d) or (e) shall be placed in a separate column on the ballot if voting is by paper ballot, ballot card voting system, or electronic voting system or in a separate column of ballot labels if voting is by voting machine.

**(g)** A public question shall be placed on the primary election ballot in the following form:

(The explanatory text for the public question,  
if required by law.)

"Shall (insert public question)?"

☐ YES

☐ NO

SECTION 33. IC 3-10-1-19.2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 19.2. (a) Whenever candidates are to be nominated for an office that includes more than one (1) district, the districts shall be placed on the ballot in alphabetical or numerical order, according to the designation given to the district.

(b) Whenever candidates are to be nominated for an office that includes both an at-large member and a member representing a district, the candidates seeking nomination as an at-large member shall be placed on the ballot before candidates seeking nomination to represent a district.

**(c) This subsection applies only before January 1, 2006.** This subsection applies to a school board office or political office to be elected at the primary election ballot. Candidates for a school board office or a political party office shall be placed on the ballot in accordance with the rules applicable to candidates for nomination to an office under subsections (a) and (b).

**(d) This subsection applies after December 31, 2005. This subsection applies to a political office to be elected at the primary election. Candidates for a political party office shall be placed on the ballot in accordance with the rules applicable to candidates for nomination to an office under subsections (a) and (b)."**

Page 21, between lines 40 and 41, begin a new paragraph and insert:

"SECTION 35. IC 3-10-1-32 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 32. **This section applies only before January 1, 2006.** Primary election returns must contain the whole number of votes cast for:

- (1) each candidate of each political party;
- (2) each public question voted on at the primary election; and
- (3) each candidate for election to a school board office or political party office.

SECTION 36. IC 3-10-1-32.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 32.5. **This section applies after December 31, 2005. Primary election returns must contain the whole number of votes cast for:**

- (1) each candidate of each political party;**
- (2) each public question voted on at the primary election; and**
- (3) each candidate for election to a political party office."**

Page 48, between lines 5 and 6, begin a new paragraph and insert:

"SECTION 83. IC 20-3-11-3.1, AS AMENDED BY P.L.38-2003, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 3.1. (a) The board of school commissioners consists of seven (7) members. **Before January 1, 2006, each member shall be elected on a nonpartisan basis in primary elections held in the county as specified in this section. After December 31, 2005, each member shall be elected on a nonpartisan basis in general elections held in the county as specified in this section.** Five (5) of the members shall be elected from the school board districts in which they reside and two (2) members shall be elected at large. Not more than two (2) of the

members who serve on the board may reside in the same school board district. When a candidate runs for one (1) of the district positions on the board, only eligible voters residing in the candidate's district may vote for that candidate. When a person is a candidate for one (1) of the at-large positions, eligible voters from all the districts may vote for that candidate. When a candidate files to run for a position on the board, the candidate must specify whether the candidate is running for a district or an at-large position. All members elected to the board serve four (4) year terms. A candidate who runs for a district or an at-large position wins if the candidate receives the greatest number of votes of all the candidates against whom the candidate runs. Districts shall be established within the school corporation by the state board of education. The districts shall be drawn on the basis of precinct lines and as nearly as practicable, of equal population with the population of the largest not to exceed the population of the smallest by more than five percent (5%). District lines must not cross precinct lines. The state board of education shall establish balloting procedures for the election under IC 3 and other procedures required to implement this section.

(b) Each member of the board of school commissioners serves under section 2 of this chapter. The vacancies in the board of school commissioners shall be filled temporarily by the school board as soon as practicable after the vacancy occurs. The member chosen by the board to fill a vacancy holds office until the member's successor is elected and qualified. The successor shall be elected at the next regular school board election occurring after the date on which the vacancy occurs, at which time the vacancy shall be filled for the remainder of the term.

**(c) Before January 1, 2006, persons elected to serve on the board begin their terms on July 1 of the year of their election. After December 31, 2005, persons elected to serve on the board begin their terms on January 1 following their election.**

(d) Notwithstanding any law to the contrary, voters shall cast their votes for school board candidates by voting system or paper ballot. However, the same method used to cast votes for all other offices for which candidates have qualified to be on the election ballot must be used for the school board offices.

SECTION 84. IC 20-3-21-3, AS AMENDED BY P.L.221-2001, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 3. (a) The governing body of the school corporation consists of seven (7) members elected as follows:

(1) On a nonpartisan basis.

(2) **Before January 1, 2006, in a primary election held in the county.**

**(3) After December 31, 2005, in a general election held in the county.**

(b) The membership shall be comprised of the following:

(1) Six (6) of the members shall be elected from the school districts under section 4 of this chapter. Each member shall be elected from the school district in which the member resides but shall, upon election and in conducting the business of the governing body, represent the interests of the entire school corporation.

(2) One (1) of the members elected may reside in any of the districts drawn under section 4 of this chapter. Upon election and in conducting the business of the governing body, the member shall represent the interests of the entire school corporation.

SECTION 85. IC 20-3-21-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 8. **(a) This subsection applies only before January 1, 2006. Except as provided in section 9 of this chapter, the term of each person elected to serve on the governing body is four (4) years, beginning July 1 following election.**

**(b) This subsection applies after December 31, 2005. The term of each person elected to serve on the governing body is four (4) years, beginning January 1 following election.**

SECTION 86. IC 20-3-21-9, AS AMENDED BY P.L.221-2001, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. **(a) The members shall be elected as follows:**

(1) Three (3) of the members elected under section 3(b)(1) of this chapter shall be elected at the primary election to be held in



2000 and every four (4) years thereafter: in 2004.

(2) Three (3) of the members elected under section 3(b)(1) of this chapter shall be elected at the primary election to be held in 2002. and every four (4) years thereafter.

(3) The at-large member elected under section 3(b)(2) of this chapter shall be elected at the primary election to be held in 2004. and every four (4) years thereafter.

**(b) The terms of office of the members elected under subsection (a) shall be as follows:**

**(1) The terms of office of the three (3) members elected under subsection (a)(1) at the primary election to be held in 2004 expire January 1, 2007.**

**(2) The term of office of the at-large member elected under subsection (a)(3) at the primary election to be held in 2004 expires January 1, 2007.**

**(c) The successors of the members described in subsection (a) or (b) shall be elected as follows:**

**(1) The successors of the members described in subsection (b)(1) shall each be elected at the general election to be held in 2006 and every four (4) years thereafter.**

**(2) The successors of the members described in subsection (a)(2) shall each be elected at the general election to be held in 2006 and serve a term that expires January 1, 2009. The successors of these members elected at the general election to be held in 2006 shall each be elected at the general election to be held in 2008 and every four (4) years thereafter.**

**(3) The successor of the member described in subsection (b)(2) shall be elected at the general election to be held in 2006 and every four (4) years thereafter.**

SECTION 87. IC 20-3-22-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 5. To be eligible to be a candidate for the governing body under this chapter, the following apply:

**(1) This subdivision applies only before January 1, 2006.** Each prospective candidate must file a nomination petition with the clerk of the circuit court at least seventy-four (74) days before the primary election at which the members are to be elected that includes the following information:

(A) The name of the prospective candidate.

(B) Whether the prospective candidate is a district candidate or an at-large candidate.

(C) A certification that the candidate meets the qualifications for candidacy imposed under this chapter.

(D) The signatures of at least one hundred (100) registered voters residing within the school corporation.

**(2) This subdivision applies after December 31, 2005. At least seventy-four (74) days before the general election at which the members are to be elected, each prospective candidate must file with the clerk of the circuit court a nomination petition that includes the following information:**

**(A) The name of the prospective candidate.**

**(B) Whether the prospective candidate is a district candidate or an at-large candidate.**

**(C) A certification that the candidate meets the qualifications for candidacy imposed under this chapter.**

**(D) The signatures of at least one hundred (100) registered voters residing within the school corporation.**

**(3) Each prospective candidate for a district position must:**

(A) reside within the district; and

(B) have resided within the district for at least the three (3) years immediately preceding the election.

**(4) Each prospective candidate for an at-large position must:**

(A) reside within the boundaries of the school corporation; and

(B) have resided within the boundaries of the school corporation for at least the three (3) years immediately preceding the election.

**(5) Each prospective candidate (regardless of whether the candidate is a district candidate or an at-large candidate) must:**

(A) be a registered voter and must have been a registered voter for at least the three (3) years immediately preceding the election; and

(B) be a high school graduate or have received a:

(i) high school equivalency certificate; or

(ii) state of Indiana general educational development (GED) diploma under IC 20-10.1-12.1.

**(5) (6) A prospective candidate may not:**

(A) hold any other elective or appointive office; or

(B) have a pecuniary interest in any contract with the school corporation or its governing body;

as prohibited by law.

SECTION 88. IC 20-3-22-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 8. **(a) This subsection applies only before January 1, 2006.** Except as provided in section 9(2) section 9 of this chapter, the term of each person elected to serve on the governing body is four (4) years, beginning July 1 following election.

**(b) This subsection applies after December 31, 2005. The term of each person elected to serve on the governing body is four (4) years, beginning January 1 following election.**

SECTION 89. IC 20-3-22-9, AS AMENDED BY P.L.122-2000, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. **(a) The members shall be elected as follows:**

(1) Three (3) of the members shall be elected at the primary election to be held in 2000 and every four (4) years thereafter: in 2004.

(2) Two (2) of the members shall be elected at the primary election to be held in 2002. and every four (4) years thereafter.

**(b) The terms of office of the members elected under subsection (a)(1) at the primary election to be held in 2004 expire January 1, 2007.**

**(c) The successors of the members described in subsection (a) or subsection (b) shall be elected as follows:**

**(1) The successors of the members described in subsection (b) shall each be elected at the general election to be held in 2006 and every four (4) years thereafter.**

**(2) The successors of the members described in subsection (a)(2) shall each be elected at the general election to be held in 2006 and serve a term that expires January 1, 2009. The successors of these members elected at the general election in 2006 shall each be elected at the general election to be held in 2008 and every four (4) years thereafter.**

SECTION 90. IC 20-4-1-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 8. (a) The county committee, in formulating a preliminary plan, shall, with respect to each of the community school corporations which are a part of the reorganization plan, determine the following:

(1) The name of the community school corporation.

(2) A general description of the boundaries of the community school corporation which may consist of identifying an existing school corporation where it is to be included in its entirety in such community school corporation. Where a boundary does not follow the boundary of an existing civil or school corporation, the description shall set out the boundary as near as reasonably possible by streets, rivers, and other similar boundaries which are known by common names, and where this is not thus possible, by section lines or other legal description. No such description shall be defective if there is a good faith effort to comply with the provisions of this subdivision, or if such boundary may be ascertained with reasonable certainty by a person skilled in the area of real estate description. The county committee shall have the authority to require the services of the county surveyor in preparing a description of any boundary line.

(3) The number of members on the board of school trustees, which shall be either three (3), five (5), or seven (7), and whether such board of school trustees shall be elected or appointed. If appointed, when and by whom. If elected:

**(A) for a preliminary plan adopted before July 1, 2004,** whether such election shall be at the primary or at the general election at which county officials are nominated or elected; and

**(B) for a preliminary plan adopted after June 30, 2004, the election shall be at a general election;** and subject to the provisions of sections 26.2 through 26.3 of

this chapter, the manner in which such board of school trustees shall be elected or appointed.

(4) The compensation, if any, of the members of the regular and interim board of school trustees, which shall not exceed the amount provided in IC 20-5-3-6. If no compensation is provided in any plan adopted after March 15, 1963, such members shall be entitled to no compensation.

(5) Limitations on residence, term of office, and other qualifications required of the members of such board of school trustees. However, no plan shall provide for an appointive or elective term of more than four (4) years, but any member may serve more than one (1) consecutive term.

(6) The disposition of assets and liabilities in instances where an existing school corporation is divided.

(7) The disposition of school aid bonds, if any.

(b) In instances where existing school corporations are not divided the assets, liabilities, and obligations of the existing school corporations are to be transferred to and assumed by the new community school corporation of which they are a part, without any provisions therefor being made in the plan.

(c) The preliminary plan shall be supported by a summary statement of:

(1) the educational improvements its adoption will make possible;

(2) data showing the assessed valuation, the number of resident pupils in average daily attendance in grades 1 through 12, the assessed valuation per each such pupil and the property tax levies, of each existing school corporation to which the plan applies, and such assessed valuation, resident average daily attendance and assessed valuation per pupil, of each proposed community school corporation if it were in existence in the year the preliminary plan is prepared or notices of a hearing or hearings thereon is given by the county committee; and

(3) any other data or information the county committee deems appropriate or that may be required by the state board in its rules.

(d) Such assessed valuations and tax rates shall be based on the valuations applying to taxes collected in the year the preliminary plan is prepared or notices of a hearing or hearings thereon is given by the county committee. The resident average daily attendance figures may be based on the calculation thereof under the rules pursuant to which they are submitted to the superintendent of public instruction by existing school corporations and shall be set out for the school year in progress in such year if they are available, or for the preceding school year if they are not. All such data and information shall be obtained by the county committee from any source deemed reliable by it, and the statement by the county committee shall be sufficient whether or not exactly accurate, if there is a good faith effort on its part to comply with the provisions of this subsection.

SECTION 91. IC 20-4-1-26.4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 26.4. (a) This section applies to each school corporation, whenever created.

(b) **This subsection applies only before January 1, 2007.** If a plan provides for the election of members of the board of school trustees of the community school corporation at a primary election, at the time provided by IC 3-8-2 for the filing of notice of candidacies for the primary election next following the creation of the community school corporation, nominations for members of the board of school trustees of the community school corporation may be made by a petition signed by the candidates and ten (10) registered voters residing within the boundaries of the community school corporation.

(c) A petition must be filed with the circuit court clerk of the county that contains the greatest percentage of population of the school corporation. If the plan requires residence in a specified district or voting solely in a specified district for a board member office, the petition must clearly state the residence or electoral district from or for which the person is a candidate. If a school corporation is located in more than one (1) county, the circuit court clerk shall, after determining that a petition complies with subsection (b), promptly certify to each circuit court clerk of a county in which the school corporation is located, the names of the candidates to be placed on the ballot.

(d) **This subsection applies only before January 1, 2006.** If a

plan provides for an election of members of the board of school trustees at a general election, the filing of notice of candidates must be made in the manner provided for filing at primary elections under this section. The filing must be made within the same period of time before the general election as would have been required before the primary election had the election been held at the latter time.

(e) **This subsection applies after December 31, 2005. A plan must provide for the election of members of the board of school trustees of the community school corporation at a general election. Each candidate shall file a notice of candidacy in accordance with IC 3-8-2.5 by a petition signed by the candidate and by ten (10) registered voters residing within the boundaries of the community school corporation. The filing must be made within the time specified by IC 3-8-2.5-3.**

(f) **This subsection applies only before January 1, 2006.** All nominations shall be listed for each office in the form prescribed by IC 3-10-1-19 or IC 3-11-2, but without party designation. Voting and tabulation of votes shall be conducted in the same manner as voting and tabulation in primary elections are conducted. The precinct election boards serving at each primary election in each county shall conduct the election for school board members. If a school corporation is located in more than one (1) county, each county election board shall print the ballots required for voters in that county to vote for candidates for members of the board of school trustees of the school corporation.

(g) **This subsection applies after December 31, 2005. All nominations shall be listed for each office in the form prescribed by IC 3-11-2, but without party designation. Voting and tabulation of votes shall be conducted in the same manner as voting and tabulation in primary elections are conducted. The precinct election boards serving in each county shall conduct the election for school board members. If a school corporation is located in more than one (1) county, each county election board shall print the ballots required for voters in that county to vote for candidates for members of the board of school trustees of the school corporation.**

(~~h~~) **(h) This subsection applies only before January 1, 2006.** If the plan provides that the board of school trustees shall be elected by all the voters of the community school corporation, candidates shall be placed on the ballot in the form prescribed by IC 3-10-1-19 or IC 3-11-2, without party designation. Candidates elected shall be those having the greatest number of votes.

(i) **This subsection applies after December 31, 2005. If the plan provides that the board of school trustees shall be elected by all the voters of the community school corporation, candidates shall be placed on the ballot in the form prescribed by IC 3-11-2, without party designation. Candidates elected are those having the greatest number of votes.**

(~~j~~) **(j) This subsection applies only before January 1, 2006.** If the plan provides that members of the board of school trustees are to be elected from residence districts by all voters in the community school corporation, nominees for the board of school trustees shall be placed on the ballot in the form prescribed by IC 3-10-1-19 or IC 3-11-2 by residence districts without party designation. The ballot must state the number of members to be voted upon and the maximum number that may be elected from each residence district as provided in the plan. A ballot is not valid where more than the maximum number are voted upon from a board member residence district. Candidates having the greatest number of votes are elected. However, if more than the maximum number that may be elected from a residence district are among those having the greatest number of votes, the lowest of those candidates from the residence districts in excess of the maximum number shall be eliminated in determining the candidates who are elected.

(k) **This subsection applies after December 31, 2005. If the plan provides that members of the board of school trustees are to be elected from residence districts by all voters in the community school corporation, nominees for the board of school trustees shall be placed on the ballot in the form prescribed by IC 3-11-2 by residence districts without party designation. The ballot must state the number of members to be voted on and the maximum number that may be elected from each residence district as provided in the plan. A ballot is not valid where more than the**

**maximum number are voted on from a board member residence district. Candidates having the greatest number of votes are elected. However, if more than the maximum number that may be elected from a residence district are among those having the greatest number of votes, the lowest of those candidates from the residence districts exceeding the maximum number shall be eliminated in determining the candidates who are elected.**

**(b) This subsection applies only before January 1, 2006.** If the plan provides that members of the board of school trustees are to be elected from electoral districts solely by the voters of each district, nominees residing in each electoral district shall be placed on the ballot in the form prescribed by IC 3-10-1-19 or IC 3-11-2, without party designation. The ballot must state the number to be voted on from the electoral district. Candidates residing in the electoral district having the greatest number of votes are elected.

**(m) This subsection applies after December 31, 2005. If the plan provides that members of the board of school trustees are to be elected from electoral districts solely by the voters of each district, nominees residing in each electoral district shall be placed on the ballot in the form prescribed by IC 3-11-2, without party designation. The ballot must state the number to be voted on from the electoral district. Candidates residing in the electoral district having the greatest number of votes are elected.**

SECTION 92. IC 20-4-1-26.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 26.5. (a) This section applies to each school corporation, whenever created.

**(b) This subsection applies only before January 1, 2006.** If the board of school trustees is to be elected at the primary election, each registered voter may vote in the board of school trustee election without otherwise voting in the primary election.

(c) If a tie vote occurs among any of the candidates, the judge of the circuit court, or in case of a united school corporation, the judge of the circuit court of the county having the most pupils enrolled in the united school corporation, shall select one (1) of the candidates who shall be declared and certified elected.

(d) If after the first board of school trustees takes office, there is a vacancy on the board of school trustees for any reason, including the failure of the sufficient number of petitions for candidates being filed, and whether the vacating member was elected or appointed, the remaining members of the board of school trustees, whether or not a majority of the board, shall by a majority vote fill the vacancy by appointing a person from within the boundaries of the community school corporation, with the residence and other qualifications provided for a regularly elected or appointed board member filling the office, to serve for the term or balance of terms respectively. If a tie vote occurs among the remaining members of the board or the board fails to act within thirty (30) days after any vacancy occurs, the judge of the circuit court in the county where the majority of registered voters of the school corporation reside shall make the appointment.

(e) A vacancy in the board of trustees occurs if a member ceases to be a resident of any community school corporation. A vacancy does not occur when the member moves from a district of the school corporation from which the member was elected or appointed as long as the member continues to be a resident of the school corporation.

**(f) This subsection applies only before January 1, 2006.** At the first primary or general election in which members of the board of school trustees are elected, a simple majority of the candidates elected as members of the board of school trustees who receive the highest number of votes shall be elected for four (4) year terms. The balance of the candidates elected as members of the board of school trustees receiving the next highest number of votes shall be elected for two (2) year terms. Thereafter, all school board members shall be elected for four (4) year terms.

**(g) This subsection applies after December 31, 2005. At the first general election in which members of the board of school trustees are elected, a simple majority of the candidates elected as members of the board of school trustees who receive the highest number of votes shall be elected for four (4) year terms. The balance of the candidates elected as members of the board of school trustees receiving the next highest number of votes shall be elected for two (2) year terms. Thereafter, all school board members shall be elected for four (4) year terms.**

**(h) This subsection applies only before January 1, 2006.** Board

members elected in November take office and assume their duties on January 1 or July 1 after their election, as determined by the board of school trustees before the election. Board members elected in May take office and assume their duties on July 1 after their election.

**(i) This subsection applies after December 31, 2005. Board members elected in November take office and assume their duties on January 1 or July 1 after their election, as determined before the election by the board of school trustees.**

SECTION 93. IC 20-4-3-1, AS AMENDED BY P.L.122-2000, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) In a community school corporation set up under IC 20-4-1 that has a population of more than seventy-five thousand (75,000) but less than ninety thousand (90,000), and that is the successor in interest to a school city having the same population, the governing body shall consist of a board of trustees of five (5) members elected in the manner provided in this chapter.

**(b) At the 2000 primary election, and at each primary election every four (4) years thereafter,** there shall be elected in each school corporation covered by this chapter two (2) school trustees, each of whom shall serve for four (4) years. The two (2) candidates for the office of school trustee receiving the highest number of votes at the election take office on July 1 next following the election.

**(c) At the 2002 primary election, and at each primary election every four (4) years thereafter,** there shall be elected in each school city covered by this chapter three (3) school trustees each of whom shall serve for four (4) years. The three (3) candidates for the office of school trustee receiving the highest number of votes at the election take office on July 1 next following the election.

**(d) The successors to the school trustees elected under subsection (b) shall be elected at the primary election to be held in 2004 and shall serve a term of office that expires on January 1, 2007.**

**(e) The successors to the school trustees elected under subsection (c) shall be elected at the primary election to be held in 2006 and shall serve a term of office that expires on January 1, 2009.**

**(f) The successors to the school trustees elected under subsection (d) shall be elected at the general election to be held in 2006 and every four (4) years thereafter.**

**(g) The successor to the school trustees elected under subsection (e) shall be elected at the general election to be held in 2008 and every four (4) years thereafter.**

**(h) The school trustees shall be elected at the times provided and shall succeed the retiring members in the order and manner as set forth in this section.**

SECTION 94. IC 20-4-3-2, AS AMENDED BY P.L.176-1999, SECTION 125, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 2. (a) As used in this section, "county election board" includes a board of elections and registration under IC 3-6-5.2.

**(b) The board of school trustees shall be elected on a general ticket for a term of four (4) years by the voters of any such school city. A voter may vote in such primary election for school trustees without otherwise voting and without declaring party preference. The members of such board shall be elected at the time of the primary elections as provided in section 1 of this chapter and shall be taken from the city at large without reference to district. Such election shall be held under IC 3-10-1, insofar as it is not inconsistent with this chapter.**

**(c) At the time provided by law for the filing of declaration of candidacy for the primary election in which members of the board of school trustees are to be elected as provided for in this chapter, legal voters of such city may present names of candidates for election as members of the board of school trustees to the county election board in each county in which is situated a school city subject to this chapter as follows:**

(1) Each candidate shall be proposed in a petition in writing signed by not fewer than two hundred (200) legal voters of such school city.

(2) Not more than one (1) candidate may be named in any one (1) petition.

(3) No legal voter may sign petitions for a greater number of

candidates than the number of school trustees to be elected in the primary election concerned.

(d) Upon the presentation of such petition to the county election board, the board shall publish the names proposed in accordance with IC 5-3-1 and shall certify such nominations in the manner as required by law. Such election shall be conducted in accordance with IC 3.

(e) The county election board shall prepare the ballot for the primary election at which school trustees are to be elected as provided in this section so that the names of the candidates nominated for the office of school trustee appear on the ballot in alphabetical order, without party designation and in the form prescribed by IC 3-10-1-19. The name of any candidate shall not be published and placed on the ballot by the county election board if the candidate is ineligible for membership on the board of school trustees under this chapter. Each voter may vote for as many candidates as there are school trustees to be elected.

**(f) This section applies only before January 1, 2006.**

SECTION 95. IC 20-4-3-2.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 2.5. (a) **This section applies after December 31, 2005.**

(b) **As used in this section, "county election board" includes a board of elections and registration under IC 3-6-5.2.**

(c) **The voters of the school city shall elect the board of school trustees at a general election for a term of four (4) years. The members of the board shall be elected from the city at large without reference to district.**

(d) **Each candidate for election to the board of school trustees shall file a notice of candidacy with the county election board in each county in which a school city subject to this chapter is located. The notice of candidacy must comply with IC 3-8-2.5 and the following requirements:**

- (1) The notice must be a written petition signed by at least two hundred (200) legal voters of the school city.**
- (2) Each petition may nominate only one (1) candidate.**
- (3) Each legal voter may sign petitions equal in number to the number of school trustees to be elected.**

(e) **After all of the petitions described in subsection (d) are filed with the county election board, the board shall publish the names of those nominated in accordance with IC 5-3-1 and shall certify the nominations in the manner required by law. IC 3 governs the election to the extent that it is not inconsistent with this chapter.**

(f) **The county election board shall prepare the ballot for the general election at which school trustees are to be elected so that the names of the candidates nominated for the office of school trustee appear on the ballot:**

- (1) in alphabetical order;**
- (2) without party designation; and**
- (3) in the form prescribed by IC 3-11-2.**

(g) **The county election board shall not publish or place on the ballot the name of a candidate who is not eligible under this chapter for membership on the board of school trustees.**

(h) **Each voter may vote for as many candidates as there are school trustees to be elected.**

SECTION 96. IC 20-4-8-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 6. (a) The first county board of education shall be composed of three (3) persons residing in different school board member districts who shall be elected by the trustees of the townships included in said county school corporation in a meeting to be called by the county superintendent of schools and held for that purpose within one (1) week after the establishment of said board member districts by the board of commissioners and the judge of the circuit court shall appoint two (2) members from different board member districts. Such appointments shall be filed with the clerk of the circuit court not later than the day following the respective elections and appointments. The members of the county board of education shall serve until their successors are elected or appointed and qualified.

(b) **This subsection applies only before January 1, 2006.** The first meeting of the first board of education shall be held within one (1) month following the creation of such county school corporation. It shall be called by the county superintendent of schools. At such first meeting the board shall organize, and during the first ten (10) days of

each succeeding July it shall reorganize, by electing a president, a vice president, a secretary, and a treasurer.

**(c) This subsection applies after December 31, 2005. The first meeting of the first board of education shall be held within one (1) month after the creation of the county school corporation. The first meeting shall be called by the county superintendent of schools. At the first meeting, the board shall organize, and each year during the first ten (10) days after the date members elected or appointed to a new term take office, the board shall reorganize by electing a president, a vice president, a secretary, and a treasurer.**

(d) The secretary of the board shall keep an accurate record of the minutes of the board, which minutes shall be kept in the county superintendent's office. The county superintendent shall act as administrator of the board and shall carry out such acts and duties as shall be designated by the board.

(d) (e) A quorum shall consist of a majority of the members of the board which in all cases shall be required for the transaction of business. The vote of a majority of those present shall be required for any motion, ordinance, or resolution to pass.

(e) (f) The board shall conduct its affairs in the manner prescribed herein elsewhere for conduct of county boards of education, shall except in unusual cases hold its meetings at the office of the county superintendent of schools or at a place mutually designated by the board and the superintendent, and shall maintain all records and transact all business from such place.

(f) (g) The county board of education shall have the power to pay each member of the board a reasonable per diem for service on the board not to exceed one hundred twenty-five dollars (\$125) per year and for travel to and from their homes to the place of meeting within the county a sum for mileage at a rate determined by the county fiscal body.

SECTION 97. IC 20-4-8-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 8. (a) At the time provided by IC 3-8-2-4 for filing a declaration of candidacy for the primary election next following the creation of the county school corporation as provided in this chapter, nominations for members of the board of education of said county school corporation shall be made by a petition signed by the nominee and ten (10) voters of the county residing in the same board member district as the nominee, which shall be filed with the clerk of the circuit court in the respective county. Such nominations shall be listed by board member districts on the primary election ballot as prescribed by IC 3-10-1-19, but without party designation.

(b) Voting and tabulation of votes shall be conducted in the same manner as in primary elections under IC 3-10-1. The candidates elected from each board member district and at large shall be the persons having the greatest number of votes. If in the first election more than two (2) candidates in any one (1) board member district shall be among those who received the greatest number of votes or if in any subsequent election more than one (1) person shall be among those who received the greatest number of votes, then the candidate or candidates respectively receiving the next greatest number of votes in other board member districts respectively shall be declared elected. In the event of a tie vote for any of said candidates, the judge of the circuit court shall select one (1) of said candidates who shall be declared and certified elected.

(c) If at any time there shall occur a vacancy or vacancies on the board for any reason including the failure of the sufficient number of petitions for candidates being filed, it shall be the duty of the judge of the circuit court to fill said vacancies by appointing a person or persons from the respective board member district or districts to serve for the term or balance of terms respectively.

(d) At the first primary election wherein members of the county board of education shall be elected, the three (3) candidates who receive the highest number of votes in each of the respective board member districts shall be elected for four (4) year terms and the two (2) candidates from different districts receiving the next highest number of votes respectively shall be elected for two (2) year terms. All candidates for membership on the county board of education shall be voted upon by the voters in the county school corporation district only and shall be elected for four (4) year terms after the first election and shall take office and assume their duties one (1) week after their

election.

**(e) This section applies only before January 1, 2006.**

SECTION 98. IC 20-4-8-8.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: **Sec. 8.5. (a) This section applies after December 31, 2005.**

**(b) At the time provided by IC 3-8-2.5 for filing a declaration of candidacy for the general election following the creation of the county school corporation as provided in this chapter, nominations for members of the board of education of the county school corporation shall be made by a petition signed by the nominee and by ten (10) voters of the county residing in the same board member district as the nominee. The petition shall be filed with the clerk of the circuit court for the county. The nominations shall be listed by board member districts on the general election ballot as prescribed by IC 3-11-2, but without party designation.**

**(c) Voting and tabulation of votes shall be conducted in the same manner as in general elections under IC 3. The candidates elected from each board member district and at large are the persons having the greatest number of votes. If in the first election more than two (2) candidates in any one (1) board member district are among those who received the greatest number of votes or if in any subsequent election more than one (1) person is among those who received the greatest number of votes, the candidate or candidates respectively receiving the next greatest number of votes in other board member districts respectively are elected. If there is a tie vote for any of the candidates, the judge of the circuit court shall select one (1) of the candidates who shall be declared and certified elected.**

**(d) If at any time a vacancy occurs on the board for any reason, including the failure to file a sufficient number of petitions for candidates, the judge of the circuit court shall fill the vacancy by appointing a person from the board member district in which the vacancy exists to serve for the balance of the term.**

**(e) At the first general election where members of the county board of education are to be elected, the three (3) candidates who receive the highest number of votes in each of the respective board member districts shall be elected for four (4) year terms and the two (2) candidates from different districts receiving the next highest number of votes respectively shall be elected for two (2) year terms. Only voters in the county school corporation district are entitled to vote for candidates for the county board of education. Board members are elected for four (4) year terms after the first election and shall take office and assume their duties January 1 following the election. However, board members elected in the first election shall take office after their election is certified.**

SECTION 99. IC 20-4-8-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: **Sec. 16. (a)** The first metropolitan board of education shall be composed of the respective trustees and members of school boards of the school corporations forming the same who shall serve ex officio as members thereof subject to all the laws relative to length of terms, powers of election, or appointment and filling vacancies applicable to their respective offices.

~~Provided, however, That~~ **(b)** If, with respect to any metropolitan school district created after March 15, 1963, the operation of this provision results in there being only two (2) board members, such two (2) members shall appoint a third board member within ten (10) days following the creation of such metropolitan school district; in the event such two (2) members are unable to agree on, or do not make, the appointment of a third board member within such period, he shall be appointed within twenty (20) days following the creation of such district by the judge of the circuit court of the county in which such metropolitan school district is located, or in the event it is located in two (2) or more counties, by the judge of the circuit court of the county containing that portion of the metropolitan school district having more pupils than the portion or portions located in any other county or counties. The members of the metropolitan board of education shall serve until their successors are elected or appointed and qualified.

**(c)** The first meeting of the first board of education shall be held within one (1) month following the creation of such metropolitan

school district. It shall be called by the superintendent of schools, or township trustee of a school township, of the school corporation in said district having the largest number of pupils. At such first meeting the board shall organize, and during the first ten (10) days of each succeeding July, **through December 31, 2005**, it shall reorganize, by electing a president, a vice-president, a secretary, and a treasurer. **After December 31, 2005, each year during the first ten (10) days after the board members that are elected or appointed to a new term take office, the board shall reorganize by electing a president, a vice president, a secretary, and a treasurer.**

**(d)** The secretary of the board shall keep an accurate record of the minutes of the board, which minutes shall be kept in said superintendent's office. Whenever such metropolitan school district shall be formed, the metropolitan superintendent shall act as administrator of the board and shall carry out such acts and duties as shall be designated by the board. A quorum shall consist of a majority of the members of the board which in all cases shall be required for the transaction of business. The vote of a majority of those present shall be required for any motion, ordinance, or resolution to pass.

**(e)** The board shall conduct its affairs in the manner prescribed herein elsewhere for conduct of metropolitan boards of education, shall except in unusual cases hold its meetings at the office of the metropolitan superintendent of schools or at a place mutually designated by the board and the superintendent, and shall maintain all records and transact all business from such place.

**(f)** The metropolitan board of education shall have the power to pay to each member of the board a reasonable per diem for service on the board not to exceed one hundred twenty-five dollars (\$125) per year and for travel to and from their homes to the place of meeting within the district, a sum for mileage equal to that sum per mile paid to state officers and employees. The rate per mile shall change each time the state government changes its rate per mile."

Page 50, between lines 1 and 2, begin a new paragraph and insert:

**"(f) This section applies only before January 1, 2006.**

SECTION 101. IC 20-4-8-18.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: **Sec. 18.3. (a) This section applies after December 31, 2006.**

**(b)** The registered voters of the metropolitan school district shall elect the members of the metropolitan board of education at general elections held biennially commencing with the next general election that is held more than sixty (60) days after the creation of the metropolitan school district as provided in this chapter.

**(c)** Each nominee for the board of education shall file a petition signed by the nominee and by ten (10) registered voters residing in the same board member district as the nominee. The petition shall be filed in accordance with IC 3-8-2.5 with the clerk of the circuit court in each county in which the metropolitan school district is located.

**(d)** Nominees for the metropolitan board of education shall be listed on the general election ballot:

- (1) in the form prescribed by IC 3-11-2;**
- (2) by board member districts; and**
- (3) without party designation.**

**The ballot must state the number of board members to be voted on and the maximum number that may be elected from each board member district as provided under section 15 of this chapter.**

**(e)** A ballot that contains more votes than the maximum number allowed from a board member district is invalid. The precinct election boards in each county serving at the general election shall conduct the election for members of the metropolitan board of education. Each registered voter may vote in the school board election without otherwise voting in the general election.

**(f)** Voting and tabulation of votes shall be conducted in accordance with IC 3, and the candidates having the greatest number of votes are elected to the metropolitan school board.

**(g)** If, in an election of members of a metropolitan board of education, there are more candidates from a particular board member district than may be elected from the board member district under section 15 of this chapter:

- (1) the number of candidates elected is the highest number that may be elected from the board member district;
- (2) the candidates elected are those who, among the candidates from the board member district, received the highest number of votes; and
- (3) the other candidates from the board member district are eliminated.

(h) If there is a tie vote among the candidates for the metropolitan board of education, the judge of the circuit court in the county where the majority of the registered voters of the metropolitan school district reside shall select one (1) of the candidates who shall be declared and certified elected.

(i) If, at any time after the first board member election, a vacancy on the metropolitan board of education occurs for any reason, including an insufficient number of petitions for candidates being filed, and regardless of whether the vacating member was elected or appointed, the remaining members of the metropolitan board of education, whether or not a majority of the board, shall by a majority vote fill the vacancy by:

- (1) appointing a person from the board member district from which the person who vacated the board was elected; or
- (2) if the person was appointed, appointing a person from the board member district from which the last elected predecessor of the person was elected.

If a majority of the remaining members of the board are unable to agree or the board fails to act within thirty (30) days after a vacancy occurs, the judge of the circuit court in the county where the majority of registered voters of the metropolitan school district reside shall make the appointment.

(j) At a general election held the earlier of:

- (1) more than sixty (60) days after an elected board member vacates membership on the board; or
- (2) immediately before the end of the term for which the vacating member was elected;

a successor to the appointed board member shall be elected. Unless the successor takes office at the end of the term of the vacating member, the member shall serve only for the balance of the vacating member's term. In any election for a successor board member to fill a vacancy for the balance of a term, candidates for school board membership need not file for or with reference to the vacancy. The candidate who receives the lowest number of votes at the election shall serve as the successor board member for the balance of the term.

(k) At the first general election where members of the metropolitan board of education shall be elected under this section, a simple majority of the elected candidates who receive the highest number of votes shall be elected for four (4) year terms and the balance of the elected candidates who receive the lower number of votes shall be elected for two (2) year terms.

(l) Board members shall be elected for four (4) year terms after the first election and shall take office January 1 following the election.

SECTION 102. IC 20-4-8-24 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 24. (a) As used in this section, "school township" means any school township of this state which:

- (1) for the last full school semester immediately preceding the adoption of a preliminary resolution by the township trustee and the township board under subsection (f) or their adoption of a resolution of disapproval under subsection (g) had an average daily membership (as defined in IC 21-3-1.6-1.1(d)) of six hundred (600) pupils in kindergarten through grade 12 in the public schools of such school township; or
- (2) is part of a civil township in which there were more votes cast for township trustee outside the school township than inside the township in the general election at which such trustee was elected and that last preceded the adoption of such preliminary or disapproving resolution.

(b) As used in this section, "township trustee" means the township trustee of the civil township in which such school township is located.

(c) As used in this section, "township board" means the township board of the civil township in which such school township is located.

(d) As used in this section, "county" means the county in which such school township is located.

(e) In any school township, there may be created a metropolitan school district by complying with this section. Such metropolitan school district shall have the same boundaries as the school township. After such district has been created, the school township out of which the metropolitan school district was created shall be abolished. None of the procedures or provisions governing the creation of a metropolitan school district under any other section of this chapter are applicable to the creation of such district under this section. After such district is created under this section, the metropolitan school district shall, except as otherwise provided in this section, be governed by and operate in accordance with this chapter governing the operation of a metropolitan school district as established under section 12 of this chapter.

(f) A metropolitan school district provided for in subsection (e) may be created in the following manner:

(1) The township trustee shall call a meeting of the township board. At such meeting the township trustee and a majority of the township board shall adopt a resolution that a metropolitan school district shall be created in the school township. The township trustee shall then give notice by publication by two (2) insertions one (1) week apart in a newspaper of general circulation published in the school township, or if there be no such newspaper, then in a newspaper of general circulation in the county, of the adoption of such resolution setting forth the text of the resolution.

(2) On the thirtieth day following the date of the last publication of such notice, and if no protest has been filed, the township trustee and a majority of the township board shall confirm their preliminary resolution. If, however, on or before the twenty-ninth day following the date of the last publication of such notice, a number of registered voters of the school township, equal to five percent (5%) or more of the number of votes cast in the school township for secretary of state at the last preceding general election for that office, sign and file with the township trustee a petition requesting an election in the school township to determine whether or not a metropolitan school district shall be created in the township in accordance with such preliminary resolution, then an election shall be held as provided in subsection (h). The preliminary resolution and confirming resolution provided in this subsection shall each be adopted at a meeting of the township trustee and township board of which meeting the township trustee and each member of the township board received or waived a written notice of the time, place, and purpose of the meeting. Such resolution and the proof of service or waiver of such notice shall be made a part of the records of the township board.

(g) A metropolitan school district provided for in subsection (e) may also be created in the following manner:

(1) A number of registered voters of the school township, equal to five percent (5%) or more of the votes cast in the school township for secretary of state at the last general election for that office, shall sign and file with the township trustee a petition requesting the creation of a metropolitan school district under this section.

(2) The township trustee and a majority of the township board shall, within ten (10) days after the filing of a petition, either adopt a preliminary resolution that a metropolitan school district shall be created in the school township and proceed as provided in subsection (f) or adopt a resolution disapproving such creation.

(3) If either the township trustee or a majority of township board members vote in favor of such disapproving resolution, an election shall be held to determine whether or not a metropolitan school district shall be created in the school township in the same manner as is provided in subsection (f) where an election is requested by petition.

(h) Any election required under subsection (f) or (g) may, at the option of the township trustee, be held either as a special election or in conjunction with any primary or general election to be held within one hundred twenty (120) days after the filing of such petition under subsection (f) or the adoption of such disapproving resolution under



subsection (g). The township trustee shall certify the question to the county election board under IC 3-10-9-3 and give notice of such election by two (2) insertions one (1) week apart in a newspaper of general circulation in the school township, or if there is no such newspaper, then in a newspaper of general circulation published in the county. Such notice shall provide that on a day and at an hour named in the notice, the polls shall be opened at the usual voting places in the various precincts in the school township for the purpose of taking the vote of the registered voters of the school township upon whether a metropolitan school district shall be created in the township. Such election shall be held not less than twenty (20) days and not more than thirty (30) days following the last publication of such notice unless a primary or general election will be conducted within six (6) months after the publication. In that case, the county election board shall place the public question on the ballot at the primary or general election. In the event such election is to be a special election, the township trustee shall give such notice within thirty (30) days after the filing of such petition or the adoption of such disapproving resolution.

(i) On the day and hour named in such notice, the polls shall be opened and the votes of the voters shall be taken upon the question of whether a metropolitan school district shall be created in the school township. Such election shall be governed by IC 3 except as otherwise provided in this chapter. The county election board shall conduct the election. The public question shall be placed on the ballot in the form prescribed by IC 3-10-9-4 and must state "Shall a metropolitan school district under IC 20-4-8 be formed in the \_\_\_\_\_ School Township of \_\_\_\_\_ County, Indiana?" (In which blanks the name of the school township shall be inserted.)

(j) The votes cast in such election shall be canvassed at a place in the school township determined by the county election board. The certificate of the votes cast for and against the creation of a metropolitan school district shall be filed in the records of the township board and recorded with the county recorder of the county. If the special election is not conducted at a primary or general election, the expense of holding the election shall be paid by the school township out of the special school fund which is hereby appropriated for such purpose.

(k) Such metropolitan school district shall, subject to section 17 of this chapter, be created and come into being on the thirtieth day following the date of the adoption of the confirming resolution under subsection (f) or of the holding of an election under subsection (h). In the event any public official shall fail to do the official's duty within the time prescribed in this section, this omission shall not invalidate the proceedings taken under this section. No action to contest the validity of the formation or creation of such metropolitan school district under this section, to declare that it has not been validly formed or created or is not validly existing, or to enjoin its operation shall be instituted later than the thirtieth day following the date of the adoption of the confirming resolution under subsection (f) or of the holding of an election under subsection (h). Notwithstanding this section, no election under this subsection shall be held sooner than twelve (12) months following any other such election held under subsection (h).

(l) Such metropolitan school district shall be known as "The Metropolitan School District of \_\_\_\_\_ Township, \_\_\_\_\_ County, Indiana". The first metropolitan board of education in any metropolitan school district created in accordance with this section shall consist of five (5) members. The township trustee and the township board members shall be ex officio members of such first board, subject to all the laws relative to length of their respective terms of office, manner of election or appointment, and the filling of vacancies applicable to their respective offices. Such ex officio members serve without other compensation or reimbursement for expense than that to which their respective offices entitle them. The township board shall, by a resolution duly recorded in its records, appoint the fifth member of such metropolitan board of education. Such fifth member shall meet all of the qualifications of a member of a metropolitan board of education under this chapter, with the exception of the board member district requirements provided in sections 14, 15, and 18, and 18.3 of this chapter, which shall not apply to such fifth board member.

(m) **This subsection applies only before January 1, 2006.** Such fifth board member shall be appointed within fifteen (15) days following the date of the adoption of the confirming resolution under subsection (f)(2) or of the holding of an election under subsection (h). Such first board shall hold its first meeting within fifteen (15) days thereafter on a date established by the township board in the resolution in which it appoints such fifth board member. The first board shall serve until July 1 next following the election of a metropolitan school board at the first primary election held more than sixty (60) days following the creation of the metropolitan school district.

(n) **This subsection applies after December 31, 2005. The fifth board member shall be appointed within fifteen (15) days after the adoption of the confirming resolution under subsection (f)(2) or of the holding of an election under subsection (h). The first board shall hold its first meeting within fifteen (15) days after the appointment of the fifth board member on a date established by the township board in the resolution in which the township board appoints the fifth board member. The first board shall serve through January 1 following the election of a metropolitan school board at the first general election held more than sixty (60) days after the creation of the metropolitan school district.**

(o) After the creation of a metropolitan school district in accordance with this section, the president of the metropolitan school board of such district shall serve as a member of the county board of education and perform the duties on the county board of education that were previously performed by the township trustee as provided by law. The metropolitan school board and superintendent of such district shall be entitled to call upon the assistance of, and use any of the services provided by, the county superintendent of schools. This subsection shall not, however, limit or take away the powers, rights, privileges, or duties of such metropolitan school district or the board or superintendent of such district provided in this chapter.

SECTION 103. IC 20-4-10.1-2, AS AMENDED BY P.L.170-2002, SECTION 116, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 2. (a) Any plan or proposed plan shall contain at least the following items:

- (1) The number of members of the governing body, which shall be either three (3), five (5), or seven (7).
- (2) Whether the governing board shall be elected or appointed.
- (3) If appointed, when and by whom, and a general description of the manner of appointment that conforms with the requirements of IC 20-4-1-26.3.
- (4) If elected:

**(A) for a plan that is final before January 1, 2006,** whether the election shall be at the primary or at the general election at which county officials are nominated or elected;

**or**

**(B) for a plan that is final after December 31, 2005, a statement that the election shall be at a general election at which county officials are nominated or elected;**

and a general description of the manner of election that conforms with the requirements of IC 20-4-1-26.2.

- (5) The limitations, if any, on residence, term of office, and other qualifications required by members of the governing body.
- (6) The time when the plan takes effect.

Any plan or proposed plan may have any additional details, necessary or desirable, to make the provisions of the plan workable. The details may include provisions relating to the commencement or length of terms of office of any members of the governing body taking office under the plan.

(b) Notwithstanding subsection (a)(1), in a city having a population of more than fifty-nine thousand seven hundred (59,700) but less than sixty-five thousand (65,000), the governing body described in a plan may have as many as nine (9) members.

SECTION 104. IC 20-4-10.1-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 15. ~~Limitation on Elections and Adoption of Plan. No (a) An election shall may not be held under this chapter more than once each eighteen (18) months. No plan for any A governing body may be adopted not adopt a plan more than once each six (6) years, except:~~

- ~~(1) where the plan provides solely for changing the time of voting of board members from the primary to the general~~



election; or from the general to the primary election;

(2) (1) in the event any plan adopted is declared or held to be invalid by a binding judgment or order in any United States or Indiana court from which no appeal or further approval can be taken; or

(3) (2) where the plan provides solely for changes in items specified in section 2(5) of this chapter.

**(b) After December 31, 2005, board members are elected at the general election.**

SECTION 105. IC 20-4-19-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 5. (a) The board members of the merged school corporation shall be elected at the first primary general election following its creation, and vacancies shall be filled in accordance with IC 20-4-1-26.5.

(b) Until such the first election described in subsection (a), the board of trustees of the merged school corporation shall consist of the members of the governing body of any school corporation in the county other than a school township and the township trustee of any school township in the county.

(c) The first board of trustees shall select the name of the merged school corporation by a majority vote. Such name may be changed from time to time by unanimous vote of the governing body of the merged school corporation."

Page 50, between lines 33 and 34, begin a new paragraph and insert:

"SECTION 108. [EFFECTIVE UPON PASSAGE] (a) Notwithstanding IC 20-3-11-3.1, IC 20-4-1-26.5, IC 20-4-8-8, and IC 20-4-8-18, all as amended by this act, and IC 20-4-10.1-3, a person elected to a school board office at the primary election to be held in 2004 shall serve a term of office that expires on January 1, 2007.

(b) The successors to a person described in subsection (a) shall be elected at the general election held in 2006 and each four (4) years thereafter.

(c) This SECTION expires January 1, 2017."

Renumber all SECTIONS consecutively.

(Reference is to ESB 72 as printed February 13, 2004.)

AYRES

Upon request of Representatives Ayres and Bosma, the Speaker ordered the roll of the House to be called. Roll Call 204: yeas 39, nays 51. Motion failed. The bill was ordered engrossed.

### Engrossed Senate Bill 106

Representative Kuzman called down Engrossed Senate Bill 106 for second reading. The bill was read a second time by title.

#### HOUSE MOTION (Amendment 106-1)

Mr. Speaker: I move that Engrossed Senate Bill 106 be amended to read as follows:

Page 157, delete lines 7 through 42.

Delete pages 158 through 159.

Page 160, delete lines 1 through 7.

Renumber all SECTIONS consecutively.

(Reference is to ESB 106 as printed February 13, 2004.)

KUZMAN

Motion prevailed. The bill was ordered engrossed.

### Engrossed Senate Bill 449

Representative C. Brown called down Engrossed Senate Bill 449 for second reading. The bill was read a second time by title.

#### HOUSE MOTION (Amendment 449-1)

Mr. Speaker: I move that Engrossed Senate Bill 449 be amended to read as follows:

Page 2, after line 28, begin a new paragraph and insert:

SECTION 3. IC 12-10-10-12 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 12. (a) If, on May 1 of any year, there are at least five hundred (500) individuals on the waiting list for services funded through the program, any money that:

(1) was appropriated to the division for the administration of the program;

(2) was not spent in the fiscal year for which it was appropriated; and

(3) is retained by the division;

does not revert to the state general fund at the end of the state fiscal year and may be used in subsequent fiscal years for individuals receiving services under this chapter.

(b) If, on May 1 of any year, there are fewer than five hundred (500) individuals on the waiting list for services funded through the program, any money that:

(1) was appropriated to the division for the administration of the program;

(2) was not spent in the fiscal year for which it was appropriated; and

(3) is retained by the division;

does not revert to the state general fund at the end of the state fiscal year and may be used in subsequent fiscal years for state matching funds for assisted living services or adult foster care services under a Medicaid waiver.

(c) Any money not reverted under subsection (a) or (b) is annually appropriated to the division for its use in administering the programs as specified in subsection (a) or (b).

Renumber all SECTIONS consecutively.

(Reference is to SB 449 as printed February 13, 2004.)

BECKER

Representative Pelath rose to a point of order, citing Rule 118, stating that the motion was attempting to incorporate into Engrossed Senate Bill 449 a bill pending before the House. The Speaker ruled the point was well taken and the motion was out of order.

### APPEAL OF THE RULING OF THE CHAIR

Mr. Speaker: We hereby appeal the ruling of the Chair that Representative Becker's amendment (449-1) shall not be allowed on the second reading of Engrossed Senate Bill 449.

Rule 118 provides members the right to amend bills on their second reading so long as the amendment is not "annexing to it or incorporating with it any other bill pending before the House". Representative Becker's amendment is not similar to any bill currently pending before the House. A concept in another bill is not equal to a bill pending. There is no authority in the Constitution of the State of Indiana, House Rules, or custom and tradition that in any way restricts the right to amend bills on second reading.

BOSMA  
ESPICH

The Speaker yielded the gavel to the Speaker Pro Tempore, Representative Dobis.

The question was, Shall the ruling of the Chair be sustained? Roll Call 205: yeas 45, nays 45. The ruling of the Chair was sustained.

The Speaker Pro Tempore yielded the gavel to the Speaker.

There being no further amendments, the bill was ordered engrossed.

### Engrossed Senate Bill 263

Representative Kuzman called down Engrossed Senate Bill 263 for second reading. The bill was read a second time by title.

#### HOUSE MOTION (Amendment 263-1)

Mr. Speaker: I move that Engrossed Senate Bill 263 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert: SECTION 1. IC 33-5-36.6-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 1. (a) There is are established a court two (2) courts of record to be known as Montgomery superior court ~~The No. 1 and Montgomery superior court No. 2.~~ Each court may have a seal containing the words "Montgomery Superior Court (insert No. 1 or No. 2) of Montgomery County, Indiana".

(b) Montgomery County comprises the judicial district of ~~the each~~ court.

SECTION 2. IC 33-5-36.6-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 2. (a) ~~The Each~~ court has one (1) judge, who shall be elected at the general election every six (6) years in Montgomery County. The term of the judge begins January 1 following the election and ends December 31 following the election of the judge's successor.

(b) To be eligible to hold office as a judge of the court, a person must:

- (1) be a resident of Montgomery County;
- (2) be less than seventy (70) years of age at the time of taking office; and
- (3) be admitted to the bar of Indiana.

SECTION 3. IC 33-5-36.6-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 3. ~~The Each~~ court has the same jurisdiction as the Montgomery circuit court.

SECTION 4. IC 33-5-36.6-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 4. ~~A Each~~ judge of the court has the same powers relating to the conduct of the business of the court as the judge of the Montgomery circuit court. ~~A Each~~ judge of the court may also administer oaths, solemnize marriages, and take and certify acknowledgments of deeds.

SECTION 5. IC 33-5-36.6-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 5. ~~A Each~~ judge of the court shall appoint a bailiff and an official court reporter for the court. Their salaries shall be fixed in the same manner as the salaries of the bailiff and official court reporter for the Montgomery circuit court. Their salaries shall be paid monthly out of the treasury of Montgomery County as provided by law.

SECTION 6. IC 33-5-36.6-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 6. The clerk of the court, under the direction of ~~the each~~ judge of the court, shall provide order books, judgment dockets, execution dockets, fee books, and other books for ~~the each~~ court, which shall be kept separately from the books and papers of other courts.

SECTION 7. IC 33-5-36.6-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 7. ~~The Each~~ court shall hold sessions in the Montgomery County courthouse in Crawfordsville, Indiana, or in such other places in the county as the Montgomery County executive may provide. The county executive shall provide and maintain suitable courtrooms and other rooms and facilities ~~for each court~~, including furniture and equipment, as may be necessary. The Montgomery County fiscal body shall appropriate sufficient funds for the provision and maintenance of these rooms and facilities.

SECTION 8. IC 33-5-36.6-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 8. The jury commissioners appointed by the judge of the Montgomery circuit court shall serve as the jury commissioners for ~~the each~~ court. Juries shall be selected in the same manner as juries for the Montgomery circuit court. The grand jury selected for the Montgomery circuit court shall also serve as the grand jury for ~~the each~~ court as is necessary.

SECTION 9. IC 33-5-36.6-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 9. The judge of the Montgomery circuit court may, with the consent of the judge of ~~the a~~ court, transfer any action or proceeding from the circuit court to ~~the that~~ court. The judge of ~~the each~~ court may, with consent of the judge of the circuit court, transfer any action or proceeding from the court to the circuit court.

SECTION 10. IC 33-5-36.6-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 10. The judge of the Montgomery circuit court may, with the consent of ~~the a~~ judge of the court, sit as a judge of ~~the that~~ court in any matter as if the judge of the circuit court ~~was were~~ an elected judge of the court. The judge of ~~the a~~ court may, with consent of the judge of the circuit court, sit as judge of the circuit court in any matter as if the judge of the court ~~was were~~ an elected judge of the circuit court.

SECTION 11. IC 33-5-36.6-11 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 11. **Each court has a standard small claims and misdemeanor division.**

SECTION 12. [EFFECTIVE JULY 1, 2004] (a) **At midnight on December 31, 2004, the Montgomery county court is abolished.**

(b) **Notwithstanding the amendment of IC 33-5-36.6 by this act, the Montgomery superior court No. 2 is not established until January 1, 2005.**

(c) **Any case pending in the Montgomery county court after the close of business on December 31, 2004, is transferred on January 1, 2005, to Montgomery superior court No. 2 established by IC 33-5-36.6-1, as amended by this act. All cases transferred under this SECTION that are eligible to be heard by the standard small claims and misdemeanor division, established by IC 33-5-36.6-11, as added by this act, shall be transferred to the standard small claims and misdemeanor division of the court in accordance with the venue requirements prescribed in Rule 75 of the Indiana Rules of Trial Procedure. A case transferred under this SECTION shall be treated as if the case were filed in Montgomery superior court No. 2.**

(d) **On January 1, 2005, all property and obligations of the Montgomery county court become the property and obligations of Montgomery superior court No. 2.**

(e) **The initial judge of Montgomery superior court No. 2 established by IC 33-5-36.6-1, as amended by this act, shall be the person who is the Montgomery county court judge on December 31, 2004. The term of the initial judge begins January 1, 2005, and ends December 31, 2008. The initial election of a judge for Montgomery superior court No. 2, established by IC 33-5-36.6-1, as amended by this act, is the general election conducted on November 4, 2008. The term of the initial elected judge begins January 1, 2009.**

(f) **This SECTION expires January 2, 2007.**

Renumber all SECTIONS consecutively.

(Reference is to SB 263 as printed January 23, 2004.)

T. BROWN

Representative Pelath rose to a point of order, citing Rule 118, stating that the motion was attempting to incorporate into Engrossed Senate Bill 263 a bill pending before the House. The Speaker ruled the point was well taken and the motion was out of order.

There being no further amendments, the bill was ordered engrossed.

### Engrossed Senate Bill 278

Representative Klinker called down Engrossed Senate Bill 278 for second reading. The bill was read a second time by title.

#### HOUSE MOTION (Amendment 278-2)

Mr. Speaker: I move that Engrossed Senate Bill 278 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 6-2.5-6-16 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2005]: Sec. 16. (a) **As used in this section, "vending machine" has the meaning set forth in IC 6-1.1-3-8.**

(b) **Not later than August 15 of each year, each person that owns or operates a vending machine shall submit the following information to the department on a form prescribed by the department:**

- (1) **The person's name, business address, and business telephone number.**
- (2) **All Indiana addresses at which the person maintains business offices.**
- (3) **If the person is a corporation or other business entity, the name of an officer or director on whom legal process may be served.**
- (4) **An approximate number of the person's vending machines that are owned or operated in Indiana.**
- (5) **The name of all retail merchants that are liable for collecting state gross retail tax on the sale of tangible personal property through the person's vending machines.**
- (6) **Any other information the department determines is necessary."**

Renumber all SECTIONS consecutively.  
(Reference is to ESB 278 as printed February 13, 2004.)  
KLINKER  
Motion prevailed. The bill was ordered engrossed.

## OTHER BUSINESS ON THE SPEAKER'S TABLE

### Referrals to Ways and Means

The Speaker announced, pursuant to House Rule 127, that Engrossed Senate Bills 45, 47, 183, 211, 281, 342, and 374 had been referred to the Committee on Ways and Means.

### Reassignments

The Speaker announced the reassignment of Engrossed Senate Bill 367 from the Committee on Courts and Criminal Code to the Committee on Education.

#### HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Thursday, February 19, 2004 at 10:30 a.m.

DAY

Motion prevailed.

#### HOUSE MOTION

Mr. Speaker: I move that Representatives Espich and Klinker be added as cosponsors of Engrossed Senate Bill 3.

MAYS

Motion prevailed.

#### HOUSE MOTION

Mr. Speaker: I move that Representative Bosma be added as cosponsor of Engrossed Senate Bill 17.

DVORAK

Motion prevailed.

#### HOUSE MOTION

Mr. Speaker: I move that Representative GiaQuinta be added as cosponsor of Engrossed Senate Bill 19.

BORROR

Motion prevailed.

#### HOUSE MOTION

Mr. Speaker: I move that Representative Reske removed as sponsor of Engrossed Senate Bill 29 and that Representative C. Brown be substituted as sponsor.

RESKE

Motion prevailed.

#### HOUSE MOTION

Mr. Speaker: I move that Representative Scholer be added as cosponsor of Engrossed Senate Bill 34.

DVORAK

Motion prevailed.

#### HOUSE MOTION

Mr. Speaker: I move that Representative Pierce be added as cosponsor of Engrossed Senate Bill 45.

HASLER

Motion prevailed.

#### HOUSE MOTION

Mr. Speaker: I move that Representative Pierce be added as cosponsor of Engrossed Senate Bill 47.

HASLER

Motion prevailed.

#### HOUSE MOTION

Mr. Speaker: I move that Representative Thomas be added as cosponsor of Engrossed Senate Bill 106.

KUZMAN

Motion prevailed.

#### HOUSE MOTION

Mr. Speaker: I move that Representative Yount be added as cosponsor of Engrossed Senate Bill 171.

HASLER

Motion prevailed.

#### HOUSE MOTION

Mr. Speaker: I move that Representative Pierce be added as cosponsor of Engrossed Senate Bill 211.

HASLER

Motion prevailed.

#### HOUSE MOTION

Mr. Speaker: I move that Representative Kuzman removed as sponsor of Engrossed Senate Bill 223 and that Representative Moses be substituted as sponsor.

KUZMAN

Motion prevailed.

#### HOUSE MOTION

Mr. Speaker: I move that Representative Thomas be added as cosponsor of Engrossed Senate Bill 252.

FRENZ

Motion prevailed.

#### HOUSE MOTION

Mr. Speaker: I move that Representative Thomas be added as cosponsor of Engrossed Senate Bill 263.

KUZMAN

Motion prevailed.

#### HOUSE MOTION

Mr. Speaker: I move that Representatives Bischoff and Van Haaften be added as cosponsors of Engrossed Senate Bill 298.

CHOWNING

Motion prevailed.

#### HOUSE MOTION

Mr. Speaker: I move that Representative Ruppel be added as cosponsor of Engrossed Senate Bill 316.

ROBERTSON

Motion prevailed.

#### HOUSE MOTION

Mr. Speaker: I move that Representative T. Adams be added as cosponsor of Engrossed Senate Bill 326.

PIERCE

Motion prevailed.

#### HOUSE MOTION

Mr. Speaker: I move that Representative Stutzman be added as cosponsor of Engrossed Senate Bill 342.

RESKE

Motion prevailed.

#### HOUSE MOTION

Mr. Speaker: I move that Representative Stutzman be added as cosponsor of Engrossed Senate Bill 374.

GRUBB

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Thomas be added as cosponsor of Engrossed Senate Bill 389.

KUZMAN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Scholer and Stevenson be added as cosponsors of Engrossed Senate Bill 395.

RESKE

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Bischoff and Van Haaften be added as cosponsors of Engrossed Senate Bill 397.

CHOWNING

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Scholer be added as cosponsor of Engrossed Senate Bill 407.

FRY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Thomas be added as cosponsor of Engrossed Senate Bill 449.

C. BROWN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Thomas be added as cosponsor of Engrossed Senate Bill 467.

AYRES

Motion prevailed.

Pursuant to House Rule 60, committee meetings were announced.

On the motion of Representative T. Adams, the House adjourned at 5:40 p.m., this sixteenth day of February, 2004, until Thursday, February 19, 2004, at 10:30 a.m.

B. PATRICK BAUER

Speaker of the House of Representatives

DIANE MASARIU CARTER

Principal Clerk of the House of Representatives